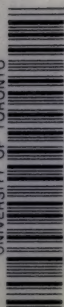
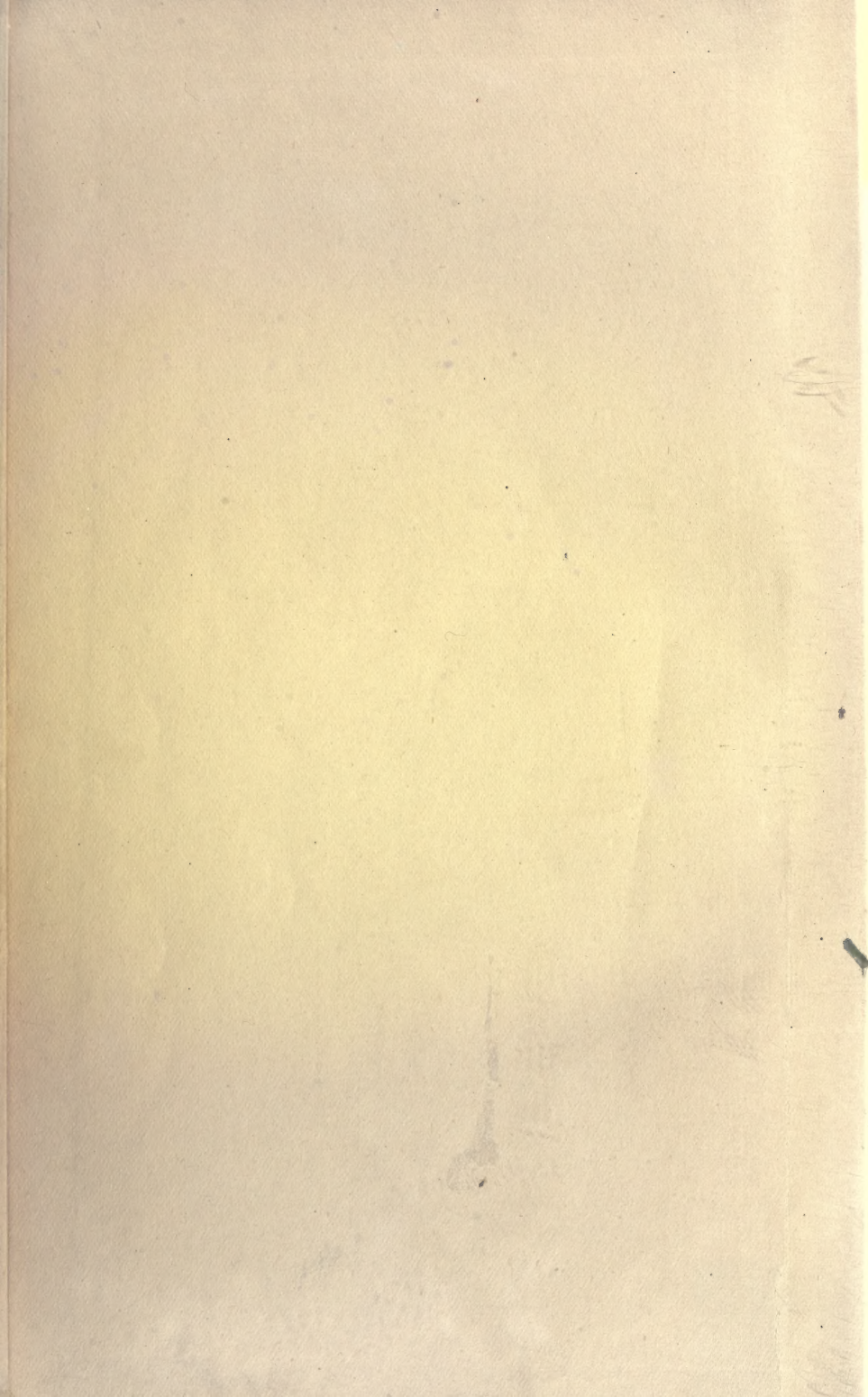


UNIVERSITY OF TORONTO



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A STUDY OF
SOCIAL AND CONSTITUTIONAL
TENDENCIES IN THE EARLY YEARS
OF EDWARD III

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A STUDY OF SOCIAL AND CONSTITUTIONAL TEN- DENCIES IN THE EARLY YEARS OF EDWARD III

AS ILLUSTRATED MORE ESPECIALLY BY THE EVENTS
CONNECTED WITH THE MINISTERIAL INQUIRIES OF
1340 AND THE FOLLOWING YEARS

BY
DOROTHY HUGHES, M.A.

*THESIS APPROVED FOR THE DEGREE OF MASTER OF ARTS IN
THE UNIVERSITY OF LONDON*



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DOROTHY HUGHES, M.A.



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A STUDY OF SOCIAL AND CONSTITUTIONAL TENDENCIES IN THE EARLY YEARS OF EDWARD III

PART I

CHAPTER I

INTRODUCTORY

EDWARD III was proclaimed King on January 24, 1327, but under circumstances which were by no means auspicious. His accession was brought about only by the forced resignation of his father, and while the coronation was taking place Edward II was a prisoner at Kenilworth. The new King was a mere youth, and for four years the government was in the hands of his mother Isabella and the Earl of Mortimer, by whose instrumentality the deposition had been accomplished, and who acquiesced in the late King's murder in the following September. The measures of January, 1327, had been clothed with a constitutional justification, on the ground of the King's alleged incompetence to govern, but it has been said that "few revolutions have ever been conducted with more manifest self-seeking than that which hurled Edward from power."¹

The success of the coup d'état had been largely decided by the support and countenance of Earl Henry of Leicester, who had joined the Queen in order to recover the estates forfeited by his brother, Thomas of Lancaster,

¹ *Political History of England*, III., p. 303.

upon his execution for rebellion some years previously. Having recovered these, however, with the title of Earl of Lancaster, Henry had little further sympathy with the new Government, and finally withdrew his support from it in October, 1328. When in the autumn of 1330 Edward III, then nearly eighteen years old, was impatient to assert his authority, he found an influential friend at hand in Lancaster, whose support carried with it that of the chief Northern lords; William Montague and a group of some seven other magnates, also resentful of Mortimer's usurpation of power, willingly co-operated in an attack on him at Nottingham Castle in October of that year. The Earl was seized and in November was executed; the Queen-mother was obliged to retire from public life, and with the beginning of the New Year, 1331, Edward III took up the government of his kingdom.

Although, through blindness, Lancaster was in future able to take but little personal share in active politics, his name and influence lent authority to the new rule, while his son, who was made Earl of Derby, became one of the King's closest friends. The other magnates who had joined Edward in 1330 also subsequently received earldoms, and together they formed an influential little band of supporters round him. The practical work of government came into the hands of important ecclesiastics, chief of whom was John Stratford. Stratford had been employed as a clerk of the Council under Edward II, but as an envoy at Avignon in 1322 he had obtained the see of Winchester by a breach of faith and in direct opposition to the King's wishes. He had fully committed himself to the Queen's policy in 1326, being among those bishops whose "disloyal and self-seeking conduct" took away Edward II's last hopes, and it was he who had been chiefly responsible for drawing up the Articles of Accusation against the King.¹ After the crisis, however, he

¹ Stubbs, *Const. Hist.*, 379. *Polit. Hist of Eng.*, III., p. 301. Capes, *The English Church in the Fourteenth Century*.

seems to have been somewhat neglected by the party in power, political favour being secured by his former rivals, Bishops Orlton of Hereford and Burghersh of Lincoln. It is possible that Stratford already knew the young King's inclinations and believed that the Lancastrian party would triumph, for when Earl Henry detached himself from the Court in 1328, Stratford threw in his lot with him. Two years later when the turning-point came, the politic bishop returned to power as a Lancastrian, and his ecclesiastical dignity and personal influence brought about his appointment as Chancellor, on November 28, 1330. Party divisions were at this time largely personal; most of the influential men to whom Edward owed his position had been concerned in the attack upon his father, and if he felt a kingly resentment, he could not afford to indulge it. Rivalry still existed between Stratford and Bishops Orlton and Burghersh—"the three prelates, who had had the chief hand in Edward II's humiliation"; when, however, in 1333 Stratford attained the almost impregnable position of the Primacy, his political authority was assured. At the same time his rivals were watchful for an opportunity of promoting their own advancement, and in 1333 Orlton secured the see of Winchester, while a year later Burghersh obtained the Treasurer's office which he held until 1337.¹ A period of internal calm followed the disturbed years which had preceded Mortimer's fall. Parliament met regularly, two sessions being frequently held during one year, and owing to the presence of the Court in the North, the meeting took place on several occasions at York. Edward's attention was engaged by military affairs in Scotland until the spring of 1337, but from this year interest began to centre in the approaching French crisis.²

In 1322 Edward II had given form to a constitutional principle which, while its immediate object was the

¹ Stubbs, *Const. Hist.*, II., p. 403.

² *Polit. Hist. Eng.*, III., p. 323.

reassertion of the royal authority, at the same time fully recognised the right, not only of the magnates, but also of the representatives of the community, to give consideration and consent to legislation which concerned "the estate of the King," and "the estate of the realm and the people."¹ This was the constitutional theory at the beginning of his son's reign. But Edward III invited the co-operation of the communities also in the consideration of general policy, and, in fact, he forced their attention to matters of war and state even against their will.

The centre of government was the King's Council. A recent investigator² has pointed out that in Edward III's reign this was a distinct and recognised institution, proved by existing records to have been daily active in the business of state. Although at this time it included a large number of persons of varied rank and importance but equally "of the Council" in having been invited by the King to take the councillor's oath, there was apparently an inner or "secret Council," whose members, including the officers of State and those of the Household, were the close advisers of the Crown in matters of general and internal policy, assisted, as occasion arose, by the Justices and the Barons of the Exchequer. It was to "the King and his Council" that petitions were most frequently addressed, and during a session of Parliament "the Council" formed the recognised directing centre. No Parliament Rolls exist for the period between the spring of 1333 and the autumn of 1339, but in those for the autumn Parliament of 1339, for the three Parliaments of 1340, and for that of 1341, the importance of the Council is clearly to be traced.³ A large number of the entries are obviously in the nature of Council memoranda, and

¹ Cf. Stubbs, 369.

² C. A. Baldwin, "The King's Council from Edward I to Edward III," *Eng. Hist. Review*, 1908, p. 1. *Ibid.*, 1906, p. 20. The writer illustrates the importance of the King's clerks in the councils of Edward III.

³ *Rot. Parl.*, II., pp. 103-35.

in these cases the minuteness of detail, whether the subject be the provision of military stores or the levy of a contingent of men-at-arms, makes it clearly evident that the arrangements must have been the result of private deliberation between the Council and the persons concerned.

During this period large bodies of merchants were frequently summoned to consult with the Council upon commercial matters, the meetings tending to coincide with a session of Parliament. Entries upon the Close Rolls also show that the Council frequently required the presence of individuals or of groups of persons to give information, or, more especially in the case of persons employed in local administration, to receive instructions and warnings.

Local administration in the counties was in the hands of the landowning class which furnished the knights of the shire, and whose members appear in the majority of cases to have been minor tenants-in-chief. As sheriffs, escheators, collectors of the direct taxes, and representatives of their shires in Parliament, they were brought into frequent and close touch with the Council, while they were also experienced as coroners and conservators of the peace, and in various other branches of local business. The system had, however, certain disadvantages from the Government's point of view, since local politics and intrigue might interfere seriously with the conduct of its business, while the influence of the shire magnates might prove stronger than that of the Council. A Statute of 1316 had declared that no sheriff or bailiff of a great lord should at the same time fill the office of sheriff, but that, without regard to any other consideration, only persons who could devote their whole time to the sheriff's duties should be appointed.¹ Although there is little evidence with regard to the point, the rule was probably disregarded in many cases; thus, Gilbert Ledred, sheriff of Lincoln

¹ Stat. Lincoln (*Statutes of the Realm*, I., p. 174).

from 1338 to 1341, and escheator in the same county, was also bailiff of the lands held there by the Earl of Lancaster.¹ The conflict between local interest and central authority proved, indeed, one of the greatest obstacles in the way of orderly government at this time.

With Edward III's accession to power a page seems to be turned in English history. His vigorous personality, in striking contrast with that of the late King, seems to dominate events; the brilliant diplomatic and commercial designs woven by his ambition, the embarkation of his Government upon a serious continental war, and the military reputation which he achieved, all tend to emphasise the change which took place when the inglorious régime of Mortimer and Isabella was brought to a close. Yet beneath this outward change there remained the same serious weaknesses and difficulties which had beset his father; it has been pointed out that "in the dull background of administrative business may be discerned the changes that connect two of the most critical scenes of English history, the tragedies of Edward II and Richard II."² The student of Edward III's achievements often finds it difficult to remember that the second tragedy was to come, yet under the imposing surface were the problems that confronted the Government throughout the fourteenth century.

In the following pages an attempt has been made to trace the influence of some of these problems in the conditions and events which led up to, and were connected with, the crisis of 1340 and 1341.

¹ *Assize Roll*, No. 521, m. 20 d.

² Stubbs, *Const. Hist.*, II., p. 392.

CHAPTER II

THE QUESTION OF TAXATION

WITH the extensive preparations which became necessary as Edward III's military activities increased, taxation, direct and indirect, assumed new proportions. The demands that had been made upon the country during the first years of the reign were not serious. A twentieth was granted in the autumn of 1327, but there was no further general tax until 1332. In September of this year Parliament granted a fifteenth and tenth, and a similar grant was made in 1334. In the year 1336, however, more serious pressure began to be experienced, and henceforth for some years taxation became an annual burden.¹

It is said that just at this time a very important change took place in the form of the direct tax, as the result of which, "the sum thus fixed by composition as for the fifteenth and tenth granted in 1334 was accepted as the basis of taxation."² This statement suggests a definiteness of plan which certainly did not exist, and in the case of one county at least it is not quite accurate. The circumstances which in 1334 led to the making of a working agreement between the Crown and its subjects are worth considering, since they throw much light on the position of the Government during the Hundred Years' War.

The King's writs authorising the collection of the tax granted in that year declared that the earls, barons,

¹ Cf. *Deputy-Keeper's Report*, II., Appendix II., p. 143.

² Dowell, *Hist. of Taxation*, Part I., sec. 1, p. 85 *seq.*

knights, communities, and cities and boroughs had urgently requested him for certain causes that only as much as had been raised from them by reason of the last grant—of 1332—should be levied on this occasion; the King had also heard, “from the accounts of many persons,” that large sums had been raised for sparing individuals, while the collectors had extorted other sums by colour of their office, “and applied them to their own use, inflicting many hardships on the people.” Therefore he granted the request, and the commissioners now appointed were empowered to levy as much as was raised by the last tax.¹ Apparently, however, there was some indecision as to the best plan to be adopted, for on the same day other writs were issued to the same commissioners, rehearsing the rumoured oppressions and extortions, and authorising them to treat and accord with the communities as to the making of suitable fines in composition for the tax, “habita consideratione ad oppressiones, extortiones, et gravamina dicto populo nostro per Taxatores . . . eo colore illata”;² if the community refused to compound they were to have recourse to the usual method of assessment.

These two writs were enrolled together, and apparently this second one, authorising a fine, was not necessarily meant to supersede the first—it was entered before it upon the roll, with the note “*commissio secundaria*”; then followed the “*commissio originalis*” which was not vacated.³ It seems, as a matter of fact, to have been this latter which was used in future as the general form, for on subsequent occasions the collectors were told to raise “as much as was taken for the last tax.” Thus, though it is true that the tax became practically fixed in amount, it did so, not on a basis of composition, but by the Crown’s

¹ *Rot. Parl.*, p. 448, No. 105.

² *Ibid.*, p. 447, No. 104, “*de competentibus finibus sive summis nobis solvendis.*”

³ *Cal. Pat. Rolls*, 1334–38, p. 38.

acceptance of the sums raised in 1332. There would, in fact, have been little room for such composition, for the communities had signified their unwillingness to pay more than they had done in that year, while, since they offered so much, the Crown would certainly have accepted no less.¹ Moreover, it is possible that the change was more nominal than real, and that the form of assessment had in some cases been neglected even in 1332; this was evidently what took place in Buckinghamshire.

When the Inquisitions of 1341 were being held in that county, William de Leycester and Nicholas Passelewe, chief collectors of the tax for the sixth year, 1332, duly delivered to the Court various indentures relating to the collection, and setting out the amount rendered at the Exchequer.² They were asked if they would warrant the rolls and avouch their acts, and said they would. Afterwards, on being questioned as to whether all the men of the county were taxed according to the rate, to the real value of all their goods or not, their reply was that they assigned certain men in each town of the county to do all contained in the commission, who answered to them "*de certa summa cuiuslibet villae*," but if "*ad plenum, nec ne*" they knew not. Their rolls were examined, and it was found that many men "*ad verum valorem per magnae summae quantitatem taxati minime extiterunt*"; both collectors were therefore committed to prison.

On the other hand, though the Crown had in 1334 agreed to accept only as much as was raised in 1332, the limitation does not seem to have been regarded as binding by the collectors in this same county of Buckingham. During the above inquisition, the Abbot of Nutley, one of the taxers and collectors of the grant of

¹ For the triennial fifteenth and tenth of 1337, however, composition seems to have been accepted from certain towns; the town of Newcastle compounded for the tax by three annual payments of 200 marks each (*Rot. Orig.*, No. 97, m. 4).

² *Assize Roll*, Bucks, No. 74, m. 23.

1334, was questioned in the above manner, and stated that their commission required them to assess and levy the same amount that had been collected in the time of William de Leycester; they fully executed it, and also they raised from the community of the county £60 more than William collected, for which they answered fully in their accounts. The Abbot added that many men who had not been taxed in Leycester's time were taxed by himself and his colleague.¹

This suggests an obvious weakness in the fixing of assessments in 1334. It was undoubtedly an advantage to the communities, since their contributions were ascertained, and the collectors had fewer opportunities for the extortion of bribes for favouring and sparing them, but from the Crown's point of view there were serious disadvantages. It meant that those persons who had succeeded in escaping taxation in 1332 might gain a prescriptive right to do so in future. The Crown very soon realised this, and seems to have been aware that taxation was being evaded, especially by the more influential classes. In 1334 the writs had emphasised the shortcomings of the collectors as experienced by the communities. When the next tax was granted, in 1336, the Crown's point of view also appeared, and the taxers were told to explain clearly that it was the King's intention that all persons should contribute, "maxime cum concessio sit communis"; he understood, however, that various persons, both "lords of towns," and the wealthier citizens and burgesses, as well as those who had been assessors and sub-collectors of the tax, had paid nothing to it, but had raised it all from others. This was to cease,—"*alioquin quosdam fideles nostros assignabimus ad bona ipsorum taxanda, et ad dictas decimam et quintamdecimam inde ad opus nostrum levandas ut est moris.*"² This last threat seems to

¹ *Assize Roll*, Bucks, No. 74, m. 23.

² *Rot. Orig.*, No. 95, m. 6 (1336).

have been only a desperate expedient, and apparently all that was asked at present was that the offenders should join with others in making the contribution due from their district. But when in 1340 the regular succession of fifteenths and tenths was broken by the grant of a ninth, the instructions given to the collectors showed clearly that the importance of this point was appreciated.

For the present, however, the arrangement had a certain value to the Government, in that, when the contribution from each district was fixed, it became possible to detect theft among the collectors, and thus to obtain the full advantage of the sums actually raised from the counties. It was well known that theft of this kind did take place; in 1335 very general suspicions had been entertained, probably as a result of the complaints made in the preceding year, and an unusually subtle plan had been adopted in dealing with the matter. One or two commissioners were appointed in each of five districts, including twenty-eight counties in all, to inquire "as secretly as they can without making inquisition" how the chief collectors and taxers of the fifteenth and tenth granted in 1332 had exercised their office;—"what sums they have received for the King from individuals and townships, and what part of them they have kept in their own hands." The measure was alleged to be due to the receipt of information to the effect that large sums of the tax were being kept back by the collectors, but the desire to avoid publicity is curious; the object, however, was the recovery of as much as possible of the money, and the commissioners were authorised to agree with the accused as to what fines they would make.¹ Among the lower classes a belief in the dishonesty of all tax-collectors was firmly rooted, and dated from a period long before the present reign, being probably much exaggerated by lack of any authentic

¹ *Cal. Pat. Rolls*, 1334-38, p. 201.

information; it was a conviction likely to be long-enduring, even after the worst abuses had been made impossible.

In 1336 the amount of taxation was doubled, the spring and autumn Parliaments each granting a fifteenth and tenth; in the following year this tax was granted for three years, to be paid at terms of which the last was in February, 1340, an annual revenue of some £38,000 from direct lay taxation thus being secured to the Government during that period. During the first years of this reign, the clergy contributed somewhat more regularly than the laity, under an arrangement by which the King shared the tenth with the Pope.¹ They had granted tenths in 1332 and 1334, and had, with the laity, increased their grants in 1336; both convocations agreed in 1337 to grant a triennial tenth, corresponding to the lay grant. Since the clerical tenth produced between £19,000 and £20,000, the whole annual revenue from direct taxation until 1340 should have amounted to not less, probably, than £60,000, of which the proceeds from both sources beyond the Trent were set aside for the war in Scotland.² The supplies available from these grants were quite insufficient to meet the expenses of the French war, and extraordinary means had to be adopted; thus not only did the year 1336 mark a point at which direct taxation became an annual matter, but it witnessed the beginning of a period in which indirect taxation became unusually burdensome. A study of this indirect taxation in its various forms reveals the fact that, while it would probably cause extreme inconvenience to individuals, from the Government's point of view it was in most cases so uncertain and ineffective that only inability to devise any better expedients could have led to its adoption. The first steps were taken in 1336, when the ancient custom on wool was increased.

¹ Cf. Stubbs, II., p. 395, note.

² Cf. Appendix I.; Stubbs, II., pp. 579-80 (for produce of taxes).

In 1337 extensive purveyances of wool were undertaken; these arrangements are, however, sufficiently important in their various aspects to be considered separately. The exigencies of war as usual obliged the Government at the same time to exercise the prerogative of purveyance on an unusually large scale in its narrower sense as applied to the provision of victuals, stores, and military supplies. Although these measures seemed intolerably burdensome to the community, from the Government's point of view the result of its efforts to organise a commissariat was not very encouraging, either in Scotland, where supplies had still to be provided for the garrisons which had been left, or in the continental army. With the diversion of Edward's attention to France in the spring of 1338, the few Scottish strongholds which were held in the English interest were likely to become the objects of concerted attack, and efforts were made to supply them with stores. During the whole of 1338 and in the spring of 1339 the purveyance of large quantities of wheat, malt, and other foods was being ordered for this purpose in Nottingham, Derby, Lincoln and Yorkshire; for this the sheriffs were made chiefly responsible, but it appears from later evidence that not all of the commissions were carried out, and of the goods actually purveyed by no means all reached their destination. Already in the summer of 1338 it was reported that many men were leaving the garrisons from lack of victuals, and writs of January, 1339, stated that, unless supplies were sent quickly, those in Perth would be forced to withdraw. To hasten the despatch of stores, apparently a different plan was adopted, for during February large quantities of fresh supplies were ordered from the eastern counties, the purveyance being entrusted to a wealthy merchant of Lynn, who was instructed to send some of them to the north. They were too late, however, to save Perth. In August, 1339, Sir Thomas Ughtred, who commanded the garrison, being unable to sustain the

siege begun in that year, was forced to surrender.¹ His action seems to have been much criticised, for he appeared in person before "les grantz" in the Parliament of October, and declared that the surrender was due to no fault of his, "mes par cause qil nestoit servi de deniers ne vitailles, ne son noubre de gentz acompli"; the truth of this explanation was admitted by the assembly.²

At the beginning of March, 1338, very important commissions had been issued for the provision of large quantities of victuals for transport with the army to the continent.³ The chronicler Knighton mentions these purveyances as quite an unusual event—"rex fecit capere de quolibet comitatu certam summam quarteriorum frumenti, avenarum, et baconum in quolibet villa prout extiterat major vel minor"—and in fact the necessity for purveyance on so large a scale arose only in times of great military activity. The arrangements were entrusted to William de Dunstaple and Stephen le Blount, King's clerks, who were empowered to appoint deputies in different counties as they thought fit. Dunstaple was ordered to purvey 3600 quarters of corn and proportionately large quantities of malt and other goods in Yorkshire and sixteen midland and eastern counties, while a similar commission was given to Blount for London and fifteen counties in the south and west. Whenever possible the goods taken by them in any county were to be paid for by the sheriff from the proceeds of his bailiwick in his hands, but where these did not suffice, a day for payment was to be assigned at the Exchequer at Westminster some months ahead, or, in the case of the northern counties, at York. Because it was understood "that various men in different parts resist such purveyances by force and arms, and some do

¹ Cf. *Eng. Polit. Hist.*, III., p. 323.

² *P. R. O. Privy Seals*, f. 1533, No. 30. Cf. *Rot. Parl.*, II., p. 449 (108) and Chap. X below.

³ Rymer, 1021.

not permit them to take place, while others have been rebellious and remiss, so that the purveyances have remained undone, and our business is often retarded," they were empowered to order the arrest of any persons offering hindrance.

All these provisions were to be carried to the East Anglian ports in time for the King's passage, which was arranged for the Quinzaine of Easter. The time allowed was rather short, and it is not surprising that the purchases were not nearly completed by the appointed date, and that in consequence of this and from other causes the passage was delayed. In May both clerks were told to make large additional purveyances, but only a portion of these supplies can have gone with the fleet on July 16, and when at the end of the same month the commissions were revoked, on account of the numerous complaints of extortion which were being received, considerable delay must have taken place.¹ They were resumed later, however, and at the beginning of 1339, Dunstaple complained that various persons whom he had appointed as his deputies in different counties had kept back large quantities of the goods with the intention of disposing of them for their own profit, and had delivered nothing to the King's use.²

It is evident that in this department as in others great negligence was displayed, and that Edward was placed in considerable difficulties by the delay. Early in 1339, giving notice to the Council in England of his intention to approach the French frontier, he said that "tut pleni de ses gentz d'armes et de ses archers sont départiz, par cause qils ne avient dount vivre," and urged that wines

¹ 47. *Cal. Close Rolls*, 1337-39, p. 449.

² 48. *Privy Seal*, f. 251, No. 11516. Antwerp, Feb. 18, 1339, by King—"meismes les gentz issint deputez ont retenuz devers eux grant partie des vitailles queux ils firent issint purveer es ditz countez, souz colour de la commission avant dite, saunz riens ent liverer a nostre profit, einz sont en purpos de conceler et toller a nous meismes les biens, et faire ent leur profit demeigne, a grant damage de nous, et damage et esclandre du dit William. . . ."³

and victuals purveyed for him should be sent with all speed; his complaint in March that nothing had been received "in aid or sustenance" also suggests that the arrival of victuals was much delayed.¹

Military necessity also brought into prominence two other most unpopular forms of indirect taxation, the issue of Commissions of Array and the impressment of ships and mariners. The King was extremely anxious to secure the command of the sea—in view of his continental policy such command was a necessity—and he tried to press into use all the shipping of the big ports. In 1337 the fleet had been organised for war in two divisions, for the north and west, but attempts to reinforce it had been only partially successful; the same year witnessed the capture of Portsmouth and the Channel Isles by the French, who landed again in 1338 at Southampton.² For the King's passage in 1338, the Admirals of the north and west received instructions in February to arrest in the ports all small and great ships which could cross the sea, to man them with able-bodied men, and to have them ready at Yarmouth and Orwell soon after Easter, fitted with arms and victuals, and prepared for the shipment of horses. The sheriffs of the maritime counties were ordered to provide canvas and other necessities, and to pay for these from the issues of their counties. In April, however, the passage was delayed because Sir Walter Manny had not been able to collect enough ships northward from the Thames, a fact at which the King professed himself to be extremely indignant and surprised,³ and it was not until July that the expedition was ready to set out with ships and provisions. In September of the same year, since it was rumoured that the French were preparing an invasion, orders were given for the impressment of mariners to

¹ *Parl. Proceedings*, f. 46, No. 21; f. 7, No. 7.

² Cf. Nicholas, *Royal Navy*, II., chap. i., pp. 15-30.

³ Rymer, 1015, 1016, 1027.

set out at once with the fleet to meet them, and for the punishment of all who were rebellious; these orders were repeated in the following month, the Admirals being empowered to seize as forfeit any ships which had withdrawn without licence.¹ For the transport of the King's wool to Brabant in the summer of 1338 instructions had been given to the mayors and bailiffs of the ports, and to various other persons responsible for the shipment, that ships and men should be arrested for the King's service; quite unforeseen delays occurred, and the chroniclers have plaintively recorded that all the shipping of the country was held up in the ports during the whole winter on this account. There is considerable exaggeration here. Merchant shipping ran serious risk of attack by pirates or by hostile fleets unless large numbers sailed together, and many probably preferred to wait for a safe-conduct; later, they even received instructions from the Council to do so. Moreover, Murimuth describes the long stay of the fleet in Harwich as due to contrary winds. It is quite certain that in no quarter was the delay felt more keenly than by the Government itself.

The royal commissions and orders have certainly a somewhat autocratic and despotic appearance, and it is true that, while all equipments and victualling were undertaken by the Crown, the forced loan of ships, or their hire at low rates, with the impressment of men for doubtful wages, gave serious inconvenience to the subject. On the other hand, there were excellent opportunities for plunder and piracy. The mariners of the fleet which carried the army abroad in 1338 fell in on the way home with some ships belonging to the Count of Gelders, attacked them, and carried off merchandise of great value; inquisitions were ordered in all the eastern maritime counties, for the punishment of the ill-doers and the recovery, if possible, of the goods, the latter point being especially important, since, as

¹ Rymer, 1060, 1062.

the Count was "of the King's friendship," Edward was obliged to compensate him.¹ In fact, such glimpses as are obtainable suggest that the work of the commissioners, charged with the duty of making these impressions among an extremely fierce and independent seafaring population was by no means easy. Sir Guy Brian, thus employed in 1337, wrote to the King in that year—

"Tres douce seigneur, pleise a vous a saver que jeo feu al porte de Chepstowe, et illeoque liverai jeo votre brief al lyutenant le Conte Mareschal; et luy comandai de par vous qil feist maryners et aultres gentz entendentz a moi et a mes compaignouns, solont le purport de votre commissioun. Et respondu moi feust qils ne voldreynt estre obeisaunt ne entendaunt a votz commandementz par vostre brief sauntz ceo qils eussent commandement de lour seigneur. Et jeo arrestu illeoques une nief de mesmes la ville del charge de (14) toneals bele et bone, et bien apparaille, et trois aultres niefs de meyndre charge; lequel arrest ils ne voleynt suffrer, eyntz respoundeynt contrement que nule nief a votre oeps naveroi illeoques sauntz ceo qils feussent lowetz auxi chier comme nule aultre de la terre lour voldreit lower. Et si ay jeo arrest a Kermerdyn aultres niefs, et a Tenebegh (7) niefs lesqueux jai lyvere a Chamberleyn de Kermerdyn de les apparailer de estre prests a Portsmouth al jour assigne, mes les maryners ne voillent ailler oue lour niefs sauntz ceo qils eaient gages, pur nul destresce qe home lour porra faire." ²

A list returned by another commissioner in the following year contains notes of those who "would do nothing for the King's command." He appears to have held inquiries in all the ports north of the Thames, as to the number of ships available, and sometimes he was successful; thus he had eighteen from Newcastle-on-Tyne. In Hartlepool "the inquest replied that there were no

¹ Rymer, 1055.

² *Chancery Warrants*, f. 236, No. 10003.

ships of the burden of thirty tons "; "and," he says, "I proved the same inquest false." The bailiff of Ravenser-Odd, near Hull, "was rebellious, and would do nothing for the King's command, nor cause answer to be made by the inquest." In Hull eight ships were arrested, but "departirent saunz conge "; the people of two small Lincolnshire ports were described as rebels who would do nothing, while in Whitby eight ships "were arrested at the King's command and would do nothing." To enumerate the cases of individual ship-masters who were "rebels" would be monotonous; of one group it is recorded—"ceux vouldroient aver tue les gentz d'une nief de Estland en ma presence."¹

The Commissions of Array were perhaps less easily evaded, and were probably more unpopular; they had been frequently issued under Edward II, and the first Parliament of Edward III had petitioned against them, and against the exaction of any military equipment beyond that required by the Statute of Winchester. It was accepted as a cardinal principle that no military service should be required of a county outside its own limits except at the King's cost.² During these years this principle was infringed, under the stress of military necessity. The Earl of Arundel, who was given the chief command in Scotland in the spring of 1338, was empowered to cause the array of all able-bodied men between the ages of sixteen and sixty, beyond the Trent for service across the Border; at the same time the southern counties were being asked to equip more archers for service abroad.³ In September, 1339, commissioners were appointed to choose more men-at-arms and archers in Yorkshire, Derby, Nottingham and Lancashire for service in the Scots March, a certain contingent being allotted to each county; thus Yorkshire was required

¹ *P. R. O. Chancery Miscellanea*, Bundle 2, No. 30.

² *Cf.* Stubbs, II., p. 571 *et passim*.

³ Rymer, 1029, 1018.

to furnish 200 men-at-arms and 1000 archers. The community of the county were to be responsible for their wages and equipment while they were in the King's service, and the details of the assessment and levy of these were to be arranged with the counsel and consent of the magnates, landowners, and other persons concerned, if they were willing to co-operate. The Council stated, as the reason for this request, that, owing to rumours of an invasion from Scotland, it had been ordained in the last Parliament, with the consent of the communities, that measures of protection should be taken "et quod singuli de eodem regno ad hoc, ut tenentur, exponerent se et sua."¹

During the autumn of 1338 and the spring of 1339, serious fears were entertained of an invasion by the French "with an immense multitude of ships and galleys"; landowners in the maritime counties were therefore required to contribute to the defence of the coast as an obligation arising from their tenure. In this way, the Bishop of Rochester and nine other ecclesiastics and laymen received orders to send men-at-arms and archers to guard the Isle of Sheppey, according to the quantity of their lands and tenements there, and large numbers of important landowners in the south and west were asked to go at once to their estates on the coast, and to array their men for defence. Arrangements were also made for the array of men in the inland counties "besides the magnates and their retinues" to set out beyond their counties, if necessary, in order to repel an attack, and the bishops were asked to persuade the clergy of their dioceses to contribute.² Obedience, however, was very doubtful, even in the districts exposed to attack. Three well-known knights of the shire had been assigned as keepers of the maritime lands in Surrey and Sussex, responsible for the arrangements for a guard of all the

¹ *Originalia Roll*, No. 98, m. 61.

² Rymer, 1055, 1060, 1061, 1062, 1070, 1072.

ports where ships could put in. In this, however, they were said to be hindered, because "some men of those counties, who ought to contribute with other men of the county to the expenses of men chosen for the keeping of the harbours, and have hitherto been accustomed to do so . . . totally refuse to make any subsidy or contribution to the men, or to be intendant to you." The commissioners were therefore empowered to attach and imprison them, taking their goods into the King's hand.¹ Exactly similar refusals were met with in Kent, while the burning of Southampton, with other destruction in the south, was directly attributed to negligence in making the array.² The attitude of the representative portion of the Parliament to these questions of defence was expressed in the autumn of 1339, when the Commons were asked to treat together concerning the guard of the Scots March, and the keeping of the sea. Their answers reveal not only a complete absence of any "national" point of view, but a strong disinclination to co-operate in any measures of more than local importance. As to the Scots border, they replied that suitable guards had already been provided, better able to keep it than any others, and that "if they need afforcing, let them be afforced by the King's Great Council, without charge to the community." Concerning the guard of the sea, they prayed that they might not be charged to give counsel in matters of which they had no knowledge, but added that, since the Barons of the Cinque Ports were especially relieved from other aids and charges, thereby having much profit, "they ought to make guard of the sea as the Commons do of the land, without further asking or taking wages." Persons having land in the maritime counties should, however, they suggested,

¹ Rymer, 1025.

² *Cal. Pat. Rolls*, 1338-40, pp. 180, 181, 359. Cf. *ibid.* pp. 71, 72, 75, 150 for further instances of resistance and hindrance to coast defence.

dwell on them to defend the coast, being thereby excused from making any further aid.¹

As compared with these various forms of indirect taxation, the fifteenths and tenths were extremely profitable and easily managed, but the greatest vigilance had to be exercised to secure their punctual collection and payment, at least so far as the lay contributions were concerned. The payments of the triennial grant were due twice yearly at the Exchequer, on November 30 and February 2; and the collectors were instructed to receive from each county exactly as much as had been raised at the last taxation. But in certain districts in which the inhabitants declared their inability to pay the full amount due from them—as in Cumberland, ravaged by the Scots, and in parts of Norfolk, which had suffered severely from floods—a re-assessment in the old form was ordered.²

The usual warnings as to the evasions of the tax by “lords of towns” and others were inserted in the writs, and the usual delays in collection had to be guarded against. The chief taxers of Devon were said in July, 1339, to owe a large sum of the first and second years of the grant, and to have delayed sending in their accounts, although various warnings had been sent them from the Exchequer; moreover, they were said to be converting the money so collected “in voluntatem suam propriam,” so that, as the writ rhetorically complained, the King’s affairs were delayed, and he was compelled to borrow money, “to avoid the contempt scandal and delay of our business.” The sheriff was ordered to go personally to them, “and diligently to excite them on our behalf, and induce them to pay us the money of the first and second years”; in the event of their refusal to give security, he was to seize their lands and goods into the King’s hand.³ The case was extreme, but on the same

¹ *Rot. Parl.*, p. 105.

² *Rot. Orig.*, No. 97, m. 13, 14.

³ *Ibid.* 98, m. 25.

date similar writs were sent to the sheriffs of Yorkshire, Warwick, Leicester, Derby, Northampton, Hereford, Somerset and Norfolk, concerning the arrears of the second year, five months overdue, while attempts were made in five counties to hasten the payment of the clerical grant.¹ Surprising contempt is related on the part of the taxers in Kent. A writ to the sheriff explains that, when assignments had been made in various counties to the merchants of the Bardi, several orders were issued for the payment of 200 marks due to them from that county; news came that the taxers had delayed to pay them, keeping the money in their possession, "*inde negociando et commodum suum faciendo.*" The sheriff had already been told to approach them in the matter—"and," ran the King's writ, "you made answer that, by reason of your excitation, Henry and Roger paid them £50, totally refusing to pay the rest"; he had therefore distrained ten marks' worth of their goods. Two years before, similar conduct had been attributed to Ralph de Bockyng, in Suffolk, who had been asked to pay £200 of the tax to the clerk of the Great Wardrobe—"he refused, asserting that he would not obey the order"; a further request to appear in Chancery was disregarded, and it was believed that he was keeping the money in his own possession, and "applying it to his own use."² In February, 1339, it was thought necessary to warn certain collectors to raise the arrears of the second year, the last term of which had just expired, and writs were issued to six counties, repeating the usual rumours of detention of the money.

Before the King's passage, an attempt had been made to persuade as many towns as possible to anticipate the payment of the last two years of the grant; this was an unusual and serious demand, but apparently a large number promised to do so. Many of these failed

¹ *Rot. Orig.* No. 98, m. 25.

² *Ibid.* m. 39. *Cal. Close Rolls*, 1334-38, pp. 188, 190, 208.

to keep the promise, London and forty other towns paid in part only, and eighteen excused themselves, a refusal which drew expressions of extreme surprise from the King.¹ Beyond his heavy loans from foreign merchants, he was raising other loans in every possible quarter at this time, from towns and individuals and from ecclesiastics and religious communities, large numbers of whom lent cherished pieces of Church plate; the contribution of the wealthy Abbey of Croyland, however, was valued only at £9 7s. 1d.² These loans, with the extensive purveyances, appear to have been considered especially intolerable, for the chronicler Knighton remarks concerning them that "a great clamour arose among the people, and greater evil would have come of it unless the King had received better counsel."

In the summer of 1337, before the triennial tenth had been granted, Edward had attempted to obtain contributions by making separate applications to the counties, appealing more especially to the wealthier classes. This plan appears to have provoked no opposition, but the amounts which were offered were in several cases less than those produced by the tenth and fifteenth, and shortly afterwards, the arrangement was superseded by the parliamentary grant.³ An interesting glimpse of local feeling is given by an account of the reception with which the suggestion for a generous contribution was met in the county-court of Somerset. The knights, seneschals and bailiffs present agreed that the plan should be placed before the people at the approaching sheriffs' turns, but asked the commissioners to represent to the King the poverty of the county, the difficulty experienced by the "*maiores patriae*" in raising "*redditus*

¹ *Almain Roll* 5, m. id., the reference to this by Déprez, who states that seventy one towns "*prétendaient qu'ils ne pouvaient payer le biennial 15me et 10me*" is scarcely accurate. Cf. *Cal. R. Close*, 1338-40, p. 111.

² Rymer, 1034, 1039, 1042, 1045, 1046.

³ Cf. *Eng. Hist. Rev.*, 1906, p. 727.

suos proprios," and the burdens already endured from the necessity of supplying archers and of paying the expenses of knights to attend Parliament. Moreover, they declared that "many great and rich men" had avoided these burdens by claiming to be of the Stannaries.¹

This probably represented the attitude of other counties already in 1337. In the following year Edward was fully aware of the indignation caused by the increased burdens; and while preparations were at their height he asked the archbishops to obtain the prayers of the people for his success, and to urge them to bear patiently the "various burdens, tallages, and impositions" with which they were oppressed, which he declared were applied "non ex malitia vel praesumptione voluntaria."²

¹ *Register of John de Grandison*, Vol. III., p. 300.

² Rymer, 1025.

CHAPTER III

THE WOOL-GRANTS

CONFRONTED with the problem of meeting an enormously increased expenditure for military purposes, Edward III turned, as his grandfather had done forty years earlier, to wool, "the sovereign treasure of the realm."

For the success of his policy, it was necessary to have the close co-operation of the English merchants. Already in 1336 he had approached large numbers of them, as representing a distinct interest, and on three occasions during that year bodies of merchants were summoned to meet the Council, the last being in September at Nottingham, where a Parliament was sitting. The result of the discussions which took place between the merchants and the Council at this meeting appeared when, for the first time since Edward I's reign, the "maletolte" on wool was brought into use, the ancient custom of half a mark on the sack being increased to forty shillings. It was not the first occasion in this reign or the preceding one that the rate of the customs-dues had been raised, but only on two occasions had the ancient custom been affected, and the amount of the present increase was considerably greater than any which had been made since 1297.¹ For this arrangement the merchants are much blamed by the chronicler of Meaux.

At the same time a scale of wool-prices had been scheduled for the whole kingdom, according to the quality

¹ Cf. Hall, *Customs Revenue*, I., 78. Stubbs, II., 398-99, 554. *Cal. Close Rolls*, 1337-39, p. 97, where the custom is referred to as "according to the grant made by the merchants at Nottingham."

in different counties, and, according to the estimated prices at that time, the schedules were very reasonable and fair.¹

This was probably a preliminary step in view of the very important financial measure which the Council undertook in the July of the following year, 1337. This transaction, which was intended to provide some £200,000 as an immediate war-fund, included the purveyance of 30,000 sacks of wool by the Government, a number which represented a large proportion of the annual produce of the kingdom. With a view, probably, to a step of this kind, a Statute of the preceding March had strictly forbidden the export of wool.

The chroniclers reflect a general impression that very extensive seizures of wool were made during these years. Thus, Knighton believed that two large contributions were demanded, for he states that "in aestate sequenti (1337) rex cepit lanas de tota terra Angliae per tallias corulinas et parvula brevia scripta," and that in 1338 it was ordained that wools should be taken throughout England according to the rate of the fifteenth.² Murimuth suggests that there were three separate levies; in 1337, he says, "rex fecit capere ad manum suam omnes lanas regni sui . . . sub certa forma inter mercatores conventa . . ."; and these amounted to 30,000 sacks; in 1338, a grant of half the wool of the country was made in Parliament—"quam et recepit ab invitis, laicis et clericis, quibus nihil soluit"—and in the same year "in quodam concilio sive parlamento apud Norhampton" wools were granted to the King which, although the clergy refused to give them, "tamen laici soluerunt ad gravissimum onus ipsorum."³ Baker's chronicle also mentions this last as a separate grant. The first of Murimuth's statements is approximately true, but since a person usually so well-informed as he fell into error

¹ Cf. Cunningham, I., pp. 314, n. 1, and 325. Rogers, *Work and Wages*, p. 203. *Close Rolls*, 1337-39, pp. 148 *et seq.*

² Knighton, *Lib. IV.*, pp. 1, 4.

³ Murimuth, pp. 79, 85.

concerning the circumstances of what he considered to be two more grants, it is scarcely possible that they were understood by the population as a whole. Later writers, misled not only by the chroniclers but by scattered official statements, have come to similar conclusions; thus, the oldest and fullest history of the reign states that in February 1338 Parliament granted half the wool of the realm, and that "after this the King took a fifteenth of all the community of the realm in wool, and yet before this he had sent the Bishop of Lincoln with 10,000 sacks to Brabant."¹ Stubbs mentions only the grant of half the wool, estimated at 20,000 sacks,² but Longman's history describes the purveyance of 1337, as well as a further right granted in February, 1338, to purchase large quantities of wool, amounting to 20,000 sacks;³ the latest of Edward's historians also mentions these two grants, referring, like Longman, to Rymer's *Foedera*.⁴

The fact is, however, that while it is true that an agreement for the purveyance of 30,000 sacks was made in 1337, that arrangement entirely failed within six months, and the subsequent "grants" of half the wools in February, 1338, and of 20,000 sacks, raised on the basis of the fifteenth in the following July, were despairing and apparently quite fruitless attempts to complete the number of the original 30,000 sacks.⁵

The purveyance of 1337 was carried out after consultation with the foremost English merchants, to whom was given the sole responsibility for its execution. On July 26, in a Council at which merchants were present from all the counties, an agreement was drawn up, according to which the Government arranged to buy 30,000 sacks of wool at the prices already ordained, using the

¹ Barnes, *Edward III*, p. 120.

² Stubbs, II., p. 399.

³ Vol. I., pp. 89, 128. The grant usually described as "half the wools."

⁴ Mackinnon, *Edward III*, p. 114.

⁵ *Cal. Pat. Rolls*, 1334-38, p. 480. *Foedera*, II., ii., 989. *Ibid.* 1022, 1049. *Cal. Close Rolls*, 1337-39, p. 457.

merchants as its purveyors. These were, further, to be exclusively entrusted with its sale on behalf of the Crown, and were to arrange for its export to the Continent at their own cost, but in ships provided and fitted out by the Government. For the greater convenience of the latter, the merchants undertook to advance £200,000 in instalments from the proceeds of the sales. If the arrangement had ended here it would have been intelligible; the merchants would have made a profitable contract with the Crown, offering £200,000 for the privilege of securing a practical monopoly of the wool-market for some months, with Government protection, while the Government would have secured an assured fund by the sale of advantages derived from the royal prerogative. But there seems to have been some indecision as to whether the merchants should be employed as contractors and financiers, or merely as purveyors and ministers of the Crown. While their experience of the wool-trade and the necessity for immediate advances emphasised their utility in the former capacity, the Government hesitated to hand over to them any profits which might eventually be made, and decided to use them as purveyors, bound strictly to account. It was agreed, therefore, that the advance of £200,000 should be treated as an independent loan, for the repayment of which the merchants were granted an assignment of the whole customs revenue for as long as should be necessary. The accounts of the purveyance and sale of the wools were thus left open for final settlement, and any profits were to be received by the Crown. Two prominent merchants, William de la Pole and Reginald de Conduyt, were elected by the meeting as the responsible directors of these transactions, and it was agreed that in the matter of the purveyance and sale the other merchants should make account with these two men, who were in turn to be responsible to the Crown for the final settlement. In order that the necessary arrangements might be made, it was agreed that

from time to time the merchants should meet together at Northampton.¹

Several merchants were appointed in each county to collect the number of sacks which had been assigned to it; they were to make letters obligatory in their own names, binding them to pay for the wool so taken in two half-yearly instalments.²

Probably they had not anticipated an arrangement of this kind, and were dissatisfied at being reduced to the position of purveyors, especially since they not only gained nothing whatever by the arrangement, but received no compensation for their labour, expenses and loss of time. It is, therefore, not surprising that two days later, on July 28, they sought and obtained an important modification of the agreement, according to which they were to receive half the whole profits of the transaction as payment for their services, with the provision that the Crown should take all risks by land and sea; moreover, they were relieved from the necessity of meeting their letters obligatory until they were fully satisfied for the £200,000.³

It is probable that, while there was no general estimate as to the value of the wool, it was believed that the profit would be considerably more than £200,000. An estimate accepted by the Government three years later, however, placed the value of each sack abroad at £10, with an average of £5 10s., as the purchase price in England.⁴

¹ *Cal. Close Rolls*, 1337-39, p. 148. *Summons to Council*, p. 148. Enrolment of Indenture also given in *Exch. Mem. Roll*, K. R. 117. Records. The merchants were to pay the King £10,000, in the form of a custom of 20s. per sack on the first 10,000 sacks to be exported; this, however, was to be allowed in part payment of the £200,000. (*P. R. O. Close Roll*, 11 Ed. III, m. 3 d.) The translation in the Calendar (1337-39, p. 149) does not make this clear.

² *Cal. Pat. Rolls*, 1334-38, p. 480.

³ Rymer, 989. *Cal. Pat. Rolls*, 1334-38, p. 505.

⁴ *Exch. Mem. Roll*, K. R. 117. Records. "Concordatum est quod de predictis 2500 saccis, et de incremento inde in Brabant fiat appreciatio . . . qua facta, summa valoris eorundem 2500 saccorum est £25,000. Et summa precii dicti incrementi inde £2362." Again, "iuxta aequalem sortem inter maius precium et minus, quolibet sacco appreciate ad (£5 10s.)."

The immediate value would thus have been £300,000, of which, after deducting the amount paid to creditors, some £135,000 profit would represent virtually a subsidy from the community.

It appears that the Archbishop of Canterbury, his brother the Chancellor, and the Treasurer, the Dean of York, were principally responsible for these arrangements. The transaction has been very justly described as "cumbersome and mischievous,"¹ for not only did it contain possibilities of unlimited financial confusion, but, as the event proved, it involved the maximum of oppression to the subject, with the minimum of profit to the Crown.

The whole scheme broke down within six months, and when only 10,000 sacks had been purveyed. The circumstances of its failure are not accessible in print, but they are worth tracing, since they throw considerable light on the relations between the Government and the mercantile interest, and upon the management of such transactions. Moreover, the matter was closely connected with the political disputes of 1340 and 1341, and there can be no doubt that this breakdown of the financial measure upon which the Government was relying for its subsidies to the allies influenced the whole course of events during the next three years.

The chronicler Knighton tells us that in 1337 the Bishop of Lincoln and other ambassadors went abroad with 10,000 sacks of wool, to make various payments to the German princes. An illustration of the potency of rumour is afforded by another chronicler who, after mentioning this passage of the ambassadors "with half the wool of the realm," asserts that on arriving in Zeeland "they took all the wools which the English merchants had gathered at Dordrecht, totally to the King's use . . . in subsidy of the war."² It is, however, possible to trace the facts, which are very different, in a document

¹ Longman, I., 117, whose account is, however, inaccurate.

² *Chron. de Melsa*, p. 384.

containing various records of the negotiations abroad between the ambassadors and the merchants.¹

A number of merchants had gone abroad with the bishop and his colleagues in charge of the first consignment of 10,000 sacks. On December 19, 1337, they were present at a conference at Gertruydenberg, when the ambassadors placed before them a statement of the King's necessities, and asked what sum they could advance, and on what day they could promise it. To this the merchants replied that "because the wools are in great part deteriorated, and they cannot sell them to the Flemings or to any other people, they cannot name a certain sum." Finally, however, they offered, if they might dispose freely of the wool in the meantime, to advance 100,000 marks before Lent, or, at latest, before Easter. The meeting was resumed on the following day, when "the community of the merchants . . . showed an indenture made between them and the King, to the effect that they should not pay more than 100,000 marks from the sale of the wools already passed." This sum was certainly that which was due, according to the original agreement, for a third of the wool, but the ambassadors now declared that it could not suffice to make the necessary payments. After further discussion, they therefore boldly decided to buy the wool outright of the merchants, on behalf of the Government, and thirty merchants were deputed to do this, "at a suitable price for the King and for the merchants." There is evidence that this arrangement was very distasteful to the latter. On January 26 the Council in England addressed a communication to its agents abroad containing, among other points, a reference to "a great complaint of the merchants" to the effect that "*hom lour fait duresce*."² To this the ambassadors replied on February 4, referring to the merchants' statement that their indentures had

¹ *P. R. O. Chanc. Misc.* Bundle 32, No. 18.

² *Ibid.* "*Lettre du credence du Roy*." . . .

not been adhered to—"although such indentures were made, nevertheless, before the ambassadors' departure from England it was assented in the presence of the King and Council, by consent of William de la Pole and Reginald Conduyt, at that time assigned by the community of the merchants to make fine at their coming to the King, that the 10,000 sacks to be taken . . . with the first fleet should be at the ordinance and disposal of the King." This may refer to a Council held on December 1, to which these merchants had been summoned to give advice "on certain very urgent affairs."¹ Apparently it had been expected that more wool would have been purveyed between July and December, and that probably the whole £200,000 would be available; since only a third of it was ready, it was necessary to modify the agreement, persuading the merchants to advance at once the whole sum realised by the first consignment. Whether Pole and Conduyt consented to this or not, it was stated that in Brabant Conduyt joined the others in refusing to recognise it, and that, although the above circumstances were pointed out to them, the merchants were persuaded to hand over the wool to the King's agents only with great difficulty and on condition that an immediate instalment of £20,000 was promised. The Government was placed in a twofold difficulty by the breakdown of the agreement, since it was now pledged to make large payments at once, thereby losing great advantages that had been expected from the contract, namely the command of a large amount of ready capital and of secure credit. On the other hand, it is not surprising that the merchants refused to part with the wool without security, since their letters obligatory, though describing goods taken to the King's use, were made out in their own names, and they were legally liable for the sums contained in them.² It

¹ *Cal. Close Rolls*, 1337-39, p. 268.

² Twelve months later two merchants petitioned for help, since they were being impleaded by their creditors to make satisfaction, yet had themselves received no payment. *Chanc. Warrants*, f. 254, No. 11855.

was natural, too, that they should ask a price which would recoup them for their expenses and labour. It was alleged later, however, that the Crown had made a bad bargain, since they had asked, not a reasonable price, but a high one; a Lincoln jury, evidently with reference to this, described the purveyor Tideswell as selling to the King abroad at a profit of £4 on each sack.¹

The details of the breakdown are confused and inconsistent; at first the merchants are said to have refused a larger advance on account of the deterioration of the wool—a very suspicious excuse—and the difficulties of their position abroad, while on a second occasion they made the same offer, but alleged that by contract they were bound to pay no more. Apparently they agreed to ignore whatever had taken place in the later Council to which the ambassador referred. There can be no doubt, however, that one cause of the failure lay in the fact that the purveyance was carried out in an extremely dilatory manner. When Pole and Conduyt were examined in the Exchequer in 1341, it was urged for the King that between July and February the whole might have been purveyed if they had wished, “because at that time there was very great plenty of wool in the country, and the season was a good one for purveying wools.” The defendants denied that they personally could have raised more, but said that they were ignorant as to whether the others had been negligent.² From other evidence it seems extremely probable that many had been guilty, not only of neglect, but of practices which appear very like fraud. In fact, the form of the indenture had offered a loophole for this; it contained the proviso that “each and all of the merchants may buy wool anywhere they can in the realm, ‘marchandablement,’ as they and the vendors can best accord, paying their money.” This seems to have been interpreted as an assertion of their right to trade privately

¹ *Lincoln Assize Roll*, No. 521, m. 12 d.

² *Exch. Mem. Roll*, K. R. 117.

at the same time, and one is driven to the supposition that, abusing their privileged position, they bought quantities of wool at a lower price than that to which the Government had bound itself. Sellers, compelled to part with their wool, and faced with the alternatives of possible payment at the end of a year, and the acceptance of a lower price for ready money, were not unwise in choosing the latter. A side light on the process is given by the evidence of a Lincoln jury in 1341, who said that Henry de Tideswell, a purveyor in that county "came to the house of Cicely, wife of John le Ferour, and saw her wool to buy it, and offered her six marks for each sack, for his own use; but because she refused, he took eight sacks to the King's use, for ten marks each, to be paid her at two terms already elapsed, and he paid her nothing."¹ The inference seems clearly to be that his first offer was for ready money; if the seller had accepted, his own profit abroad, at the Council's estimate of the market-price as £10, would have been £6 on each sack. It is extremely likely that large numbers of persons did so accept, and the hypothesis would help to explain the unaccountable dearth of wool available for the Crown's use which certainly ensued.

There were other obvious weaknesses in the form of the original agreement; for instance, while Pole and Conduyt were held personally responsible for the management, the system by which separate purveyors were appointed in each county tended to limit the collective responsibility and to hinder co-operation. Moreover, what was more serious, it specified no time-limit within which the transaction should be completed, and no fixed terms at which the Crown might claim the advance.

But although the breakdown was due in reality to the self-seeking attitude of the merchants, and to the unsatisfactory manner in which the scheme had been drawn up, technically it was due to the action of the Bishop of

¹ *Lincoln Assize Roll*, No. 521, m. 19.

Lincoln and his colleagues abroad. The position had become an impossible one; knowing that the possession of capital was essential, they seem to have felt themselves bound by the decision of the Council, and justified in taking extreme measures, since the merchants refused to recognise this. The incident had, however, political as well as financial importance. The Archbishop and his friends had been chiefly responsible for the original arrangements, while the Bishop of Lincoln, Henry Burghersh, was his political rival, held dissimilar views, and was gaining the King's confidence; each was able to represent the other as having caused the failure of the whole financial scheme for the war, and mutual recriminations, suppressed by circumstances in 1338, were not forgotten in 1340.

The document already referred to contains evidence that the merchants were so indignant at the infringement of their contract that they refused to purvey the remaining two-thirds of the wool on the original conditions, and other arrangements had to be made. Moreover, the shire communities were already exasperated by the behaviour of the merchant-purveyors, and perhaps by Edward's sweeping exercise of the prerogative. Therefore when Parliament met in February, it was probably only as an extreme concession that the representatives agreed that the arrears should be collected.

On Easter Eve, 1338, the ambassadors received another communication, containing further reference to the merchants' complaint at the infringement of their covenants; for this reason, said the King, "they have said that they cannot and will not keep their covenant for fair promises or for duresse." He explained that it had been ordained in Parliament that he should take "half the wools throughout England, to the amount of 20,000 sacks," but that in this transaction "*les marchantz d'Engleterre ne se voelent meller pur rienz*"; it would therefore be necessary to speak with the foreign merchants

on his arrival abroad, "De faire chevissance par dela de quanque ils puront."¹ In reply the ambassadors assured the King that—"by the great misdoings and trespass which they committed daily to the disturbance of the King's business—in which they were often prevented by the ambassadors—the merchants entirely denied their indentures and put themselves in mercy."

The purveyance had now the authority of a parliamentary grant,² but the attempt to complete it was an utter failure. Pole, Conduyt, and one hundred and five others had been summoned to a Council in March upon "certain urgent business touching us . . . and also your own utility and advantage,"³ but they had apparently refused to undertake any further contract. The general attitude may have been due to a belief that, since Pole and Conduyt were acting as general receivers and managers abroad, any advantage from the arrangement would fall chiefly to them. The merchants may have believed, however, that a Government contract offered smaller gain than could be had by trading independently, at a time when, it was rumoured, wool was being sold in Brabant at £20 a sack.⁴ Although they refused to give any financial support, the merchants seem to have been willing to avail themselves of the opportunities open to a Government collector; in Lincolnshire, certainly, merchants who had been engaged in the original purveyance were acting in this capacity in 1339. William de la Pole, whose position was exceptional, continued to give financial assistance, and during 1338 was acting as receiver of the King's wools abroad.

While the purveyance of wool had been possible with the interested co-operation of those men who held an influential position in the English commercial world—

¹ *Chanc. Misc.* Bundle 32, No. 18.

² For this grant, cf. Stubbs, II., 399. Rymer, 1022, 1049.

³ *Cal. Close Rolls*, p. 384. *Rep. Dignity of a Peer*, v. 4, p. 491.

⁴ Knighton.

although the Government had been largely at their mercy—the fact soon became evident that without their support very little could be done. Six months later, only a fraction of the 20,000 sacks had been purveyed, and, as Pole and his colleague stated without comment in 1341, “the wools in arrears could not be raised in this manner.” This time payment had only been guaranteed within two years, and the grant allowed the Crown to seize “half the wools then shorn, anywhere in the kingdom.”¹ The levy proceeded very slowly during the spring of 1338; at the beginning of May inquisitions were ordered in all the sea-ports, because it was rumoured that many persons were secretly loading ships with wools, which they were attempting to export in defiance of the royal prohibition, and instructions were given that all the King’s wools waiting at the ports should be gathered together at once, as well as any others that could be found. At the same time officers were appointed to hasten collection in the counties, where it was said that many merchants and others were daily hiding their wool in the castles and manors of magnates, and in other private places, and that some had hitherto refused to allow any to be taken to the King’s use.² Later in the year, the sheriff of York, attempting to make inquisition as to concealments of wool, was assaulted by six men of Beverley, and others, who prevented him from doing so.³

A large consignment was expected to sail with the King in July, but it was estimated on his departure on July 16 that not more than 3000 sacks had been shipped.⁴ The collectors were warned to return statements of the amount of wool which they had received, and of how much was still in their hands, and Edward declared plainly that “propter tepiditatem vestram et neglegenciam, ut accepimus, captae non fuerunt nec provisae.” In order

¹ Cf. Kellawe’s *Register*, 4, p. 225.

² *Almain Roll*, No. 12, m. 18 and 20.

³ *Cal. Rot. Pat.*, 1338–40, p. 179.

⁴ Rymer, II., p. 1049.

to check these returns, similar accounts were required from the customs-officers through whose hands the wool had passed.¹ On July 27 the Council ordered that all the wool in the eastern ports should be taken to Yarmouth, and appointed special commissioners to supervise and hasten the shipment.²

A Great Council or Parliament had been called to meet at Northampton on July 26; on the 27th the King addressed a letter from Antwerp to the Chancellor and "all the other great men" assembled there, in which he complained that on his arrival it was found that only 2500 sacks were accounted for. Since the Bishop of Lincoln had been authorised to promise the payment of large subsidies as soon as the Court reached Brabant, Edward was in great difficulties, for, he said, "we have nothing with which to pay our allies according to the covenants, nor for our expenses and the wages of our people." He urged that steps should be taken to raise as speedily as possible the 17,500 sacks which were still in arrears, and declared that any who should hinder the collection would be held as his enemies.³

As the result of this appeal, the Parliament agreed that the collection should be completed, but the decision was considered, not a matter of course, but an especial mark of goodwill. Thus, describing later what had been done, the Council said that, when the matter was explained to the great men and the commons "il plut bien a eux que la noumbre soit perfourmie"; according to the writs of collection, they agreed "spontanea voluntate." The arrangements had, indeed, all the formalities of a separate parliamentary grant, a fact which probably misled the chroniclers and others. In order that there might be some definite plan of collection, it was arranged that the assessment of the fifteenth should be adopted as a basis, ten stones being allowed for every twenty shillings of the

¹ *Almain Roll*, No. 4, m. 2 d.

² Rymer, 1051.

³ *Chanc. Warrants*, f. 248, 11261. Also printed by Déprez.

tax; moreover, it was agreed that the help of the clergy should be asked in convocation, but, as before, they distinctly refused to contribute.¹ The old difficulties were soon experienced, and in September peremptory orders were issued empowering the collectors to seize without further delay the wools of any of the clergy who, on being asked to give them, should refuse; a few days later commissioners were appointed to inquire into those cases of unlicensed export which, according to rumour, were of daily occurrence.²

Meanwhile Edward was becoming impatient, for he had left no stone unturned. Early in August he had appointed from Antwerp three clerks to supervise the collection, and if necessary personally to direct the seizure of wool "from ecclesiastics, earls, barons, knights, merchants and others, sparing none." A fortnight later he appointed another clerk, Robert de Chigwell, to hasten the proceedings of the others.³ Apparently, however, Chigwell's efforts bore little fruit, for in the following year the King was suspicious of his good faith.⁴ In November, 1338, Edward declared that the delay was a cause of grave peril to himself and the realm, and was bringing dishonour upon the English name; the Earl of Northampton and others were sent to England to consult with the Council, and to bring back a report concerning the behaviour of the ministers concerned in the collection and transport, for it was already suspected that systematic fraud was taking place.⁵

Such fraud was made easier by the serious delay that occurred even when a certain amount of wool had been obtained. Much of this seems to have been caused by mere negligence; thus, according to the admission of various collectors, they had detained large quantities of

¹ Cf. pp. 113-14, below.

² *Almain Roll*, No. 5, m. 18 d.

³ Rymer, pp. 1054, 1057.

⁴ *Exch. Mem. Roll*, K. R. No. 115, Writs of Hilary.

⁵ *Almain Roll*, No. 5, m. 7.

wool in their possession for a long time, for want of canvas for sacking.¹ The chronicler Murimuth states that during the winter wools were gathered together throughout the country, waiting to be dispatched; some were detained in the ports owing to contrary winds, or the need for awaiting a protecting escort, but in the early spring of 1339, Edward was urging, by the Earl of Suffolk and others, that these should be dispatched daily as soon as they could be made ready.²

The position in the spring and summer of 1339 may be gathered from the fragments of some correspondence between the King and Council; a document³ containing certain articles of complaint to be delivered to the latter by the royal messengers, throws considerable light on the state of affairs. Edward complained that since his arrival in Brabant he had received nothing from the issues of the realm "in aid or sustenance of himself or his people"; he declared that both he and all who were with him marvelled greatly, because, of the 20,000 sacks which had been granted in Parliament before his departure—in February, 1338—not the half had come to him, or to those to whom they had been assigned. Moreover, the Bardi and Peruzzi and other financiers were complaining that their assignments were being recalled and changed, and that in consequence they were unable to make their promised advances, and were in fear of losing their credit. Beyond all this, those wools which had actually arrived were so "faibles," and of such small value that they were worth much less than other sacks—a fact which was attributed to "falseness of the collectors, and lack of supervision over them"—since it was notorious that inferior kinds, difficult to dispose of, were put into the King's sacks, rather than good wools.

¹ *Exch. Mem. Roll*, K. R., Writs of Mich. m. 39.

² *Parl. Proceedings*, f. 46, No. 21.

³ *Ibid.* f. 7, No. 7. "The articles to be reported to the Chancellor and Treasurer . . . and the answers to the same." Appendix I.

To this the Council replied that takers, surveyors and receivers had been chosen in the Parliament and at the Council of Northampton, whose commissions had contained express instructions that only wools of the best quality should be chosen, on pain of heavy forfeit; they added that, though complaints were daily received of great grievances caused to the people by such choice, none who had been assigned to survey the wool and to hasten the delivery had ever given notice of any defect. Moreover, since each sack was marked with the district from which it came, and its price, it should easily be discovered abroad whose was the fault.

A long list of replies sent by the Council, probably some six weeks later, to a similar remonstrance, has also been preserved; these were evidently dictated in considerable indignation, and contain some remarkable admissions of weakness.¹ Referring back to the previous July, the Council explained the measures that had been taken for the collection of the arrears, but admitted that their estimate of the produce of a levy based on the fifteenth had been far too high. This, however, was due to no fault of theirs, but was owing to the inevitable deductions to be made for the wools of the clergy, who refused to contribute, for those of persons from whom they had already been collected, and for those of towns in ancient demesne, which had been included among contributors to the fifteenth; they pointed out that they could not be charged with this difference, for they had received nothing of it.

Further statements throw light on the actual amount which the King had found on his arrival. With regard, said the Council, to the assertions of certain persons that their account as to 2500 sacks which had been sent abroad was false—that account had been based on the King's own statement in his letters. They advised, however, that those who had received the wool abroad

¹ *Parl. Proceedings*, f. 7, No. 10. Appendix II.

should make up their minds to render good account—"for we think that they will be charged with more than 2500 sacks of the wool collected before the King's passage; and many persons are amazed that the receivers will only charge themselves with 600 sacks, of all the wools that went in his company, since on his departure they saw so many ships loaded that at least 3000 sacks were estimated to be there. Moreover, it has been certified that the customers in Hull delivered 403 from York, and those in London 1008 sacks. The Council here are much displeased that the King has had so little, but it is the fault of the collectors and receivers, and of certain customs-officers, whom the Treasurer . . . cannot drive into making account, nor the Chancellor, for any writs that can be made. For when any urgent summons comes to them for rendering account, they pass beyond sea, and stay there under cover of certain persons."

It is clear from this illuminating statement that Edward had been greatly deceived in the estimate of his resources. It had been stated on his own authority that 3000 sacks were dispatched in 1338, and from the Council's mention of this number, it seems to have been the general impression. On July 24 of the same year, he declared that these were reduced to 2500; later still, the receivers accounted for *only six hundred*, attempting, apparently, to lay the blame at the door of the Council at home; this meant a reduction of four-fifths in Edward's resources, giving him an available capital of £6000, instead of £30,000, and it would seem that it was at this point that he fell so hopelessly into debt.¹

There had evidently appeared in the King's message some suggestion that he doubted the good faith of the members of the Council, for in their reply they were at great pains to explain their powerlessness. Their attitude

¹ Cf. *Cal. Pat. Rolls*, 1338-40, p. 129. In January, 1340, creditors were complaining that they had not yet received the wools assigned them. *Chanc. Warrants*, f. 261, 12515, 12531, 12526.

exhibits a curious change from that revealed in the last dispatch, where they had indignantly rejected any slur upon the honesty of the ministers they had appointed. Now they declared that they personally had striven to cause the King to be served with all that was due to him—"et molt lour peise qils ne poient avoir acompli lour purpos, et que nostre seigneur le Roy fust servi de si petite some, mes ce fust la defaute des quillours et recevours et coustumers sicome desus est dit." With regard to the assignments to merchants, they urged that any failure in the execution was due to the fault of these ministers, and that no blame could attach to the Council—"car len ne poet penser nul avantage que lur escherreit de le targer, mes taunt seulement hunte, deshonor, et graunt anguisse de coer." This, then is the history of the great wool-taxes of the years 1337 and 1338.

CHAPTER IV

THE POLICY OF THE CROWN, 1338-39

DURING the eighteen months between July, 1338, and February, 1340, while the King was abroad, England was directly governed by a "Keeper of the Realm" and Council, who were, however, acting under his orders and were in constant communication with him. From the constitutional point of view the period is an interesting one, not only as affording an opportunity to distinguish the work of the Council and the relations of the King and his ministers, but because there are distinctly to be traced certain bureaucratic tendencies, arising from an attempt on the King's part to adopt a vigorous administrative policy, and to assert to the utmost those rights of the Crown which contributed to its revenue. The policy was rendered extremely difficult by the comparative weakness of his Government, and it met with a serious check in the Easter Parliament of 1340. The statutes of this Parliament are doubly significant if they are considered with reference to the policy of the Crown during the preceding years, and it is possible to some extent to trace this, and to fit the statutes into their place as the constitutional result of the first serious encounter between Edward III and the communities of the realm.

This check, however, was a temporary one; the political events of the summer and autumn of that year determined the King to hold his ground, and on his return in November he pursued his object with renewed energy. The result was the constitutional crisis of 1341.

The first important indication of a new influence is to

be found in the summer of 1338, with the issue of certain ordinances for the guidance of the Exchequer.

During the first week in July, the King was spending the last days before his passage at Walton, in close consultation with his most intimate advisers. On the 6th of the month, at a Council held in the King's own chamber, Robert de Stratford, Bishop of Chichester, the Chancellor, in the presence of the Earls of Lancaster, Salisbury and Arundel, and many others, gave up the Great Seal to the King, "begging him to release him from the office." Edward then handed it to the Bishop-elect of London, who not only took immediately the customary oath as Chancellor, for the faithful performance of his duties, but, very significantly, promised in addition to carry out some other matters "according to a certain ordinance to be delivered to him by the King himself."¹ This evidently refers to the Ordinances which were actually sent to him six days later, with a letter of Privy Seal dated on the very day of the King's embarkation and of his own consecration, Sunday, July 12.² These are referred to by Bishop Stubbs only in a footnote, and in terms which suggest that they were in some sense a royal concession in return for the grant of wool made by the last Parliament;³ but as a matter of fact they represented the views of a party quite the reverse of popular, and marked the first step in a new and vigorous internal policy.

The order which accompanied the Ordinances ran: "We send you under our Privy Seal a roll touching several things which we have ordained by the advice and counsel of our good men being around us, by great deliberation; . . . we order you to cause that it be read before the discreet men (*sages*) of our Council, and that all the things therein be kept firmly in all points, without making any manner of respite to any."⁴ A memorandum was made on the Close Roll of their receipt in Chancery: "Be it

¹ Rymer, II., ii., 1047. *Mem. de Sigillo.*

² Rymer, 1049.

³ *Const. Hist.*, II., p. 399.

⁴ Rymer, 1049. *De Ordin. Observ.*

remembered that the King sent to the Bishop of London, by writ under the Privy Seal, certain Ordinances for the regulation of the Exchequer, which he desires to be read before the Council"—and they were entered upon the Roll.¹

The Ordinances deserve a careful examination, for they are a very important illustration of the reforms in administrative policy advocated by one group of the royal advisers at this time; moreover, they indicate some of the weaknesses of the fourteenth-century Government in connection with the financial administration, the appointment of local officials, and the collection of the Crown debts. Above all, they contain a distinct assertion of the King's claim to the personal control of the executive and of Government patronage, in answer to a question that was forced into prominence by Edward's approaching absence from the kingdom.

Some of the regulations may be considered as potentially of lasting importance, while a few were rather in the nature of immediate expedients. But these distinctions were only roughly preserved in their grouping, and the clauses are set down somewhat at random, owing perhaps to the fact that the primary object in view was the regulation of the Government during the King's absence. Even the measures of administrative importance were considered chiefly in their immediate aspect, as a means of checking the Council at home, of limiting its power, and of securing the control of expenditure in the King's hands. It was especially important, at a time when financial business was not only enormously increased by the necessities of the war, but complicated by the absence of the King and of half the Council, and when the urgent need of every available penny made an honest local administration more than ever necessary, that definite rules should be laid down for the guidance of the Exchequer; hence,

¹ *Cal. Close Rolls*, 1337-39, p. 525. The Ordinances are not printed here, but are given by Rymer, p. 1049.

ordinances of permanent value relating to administration appeared side by side with those concerning merely immediate policy.

Under the former heading came, in the first place, the provision that henceforth no debts, obligations, assignments, or other payments (except fixed salaries), and no gifts or rewards, should be paid, assigned, or made except by express warrant under the Privy Seal; such warrants should be issued with the King's assent, and that of a "sage homme" to be assigned by him to supervise their issue, and should make express mention of the cause for which the payment or other issue was to be made. In future no such general words as "the King has taken it to himself for his secret business," or "so and so have paid certain sums for the King's business at home and abroad, with which sums he wishes that none be charged," should be used or deemed sufficient.

All warrants were to be enrolled briefly with the day, place and year of issue by a clerk deputed for the purpose, and counter-rolled by another clerk, under the supervision of the person to be specially assigned by the King. It was further laid down that at the end of the year, a formal audit should be held before this officer and his clerk, the Keeper of the Privy Seal, and a bishop, a banneret, and a clerk "*sages et conisant*"; here, in the presence of the Treasurer, the Chamberlains of the Exchequer should produce a roll of the payments made by them by authority of such warrants, and if the examination revealed any discrepancy, they should be held responsible for sums in which the rolls did not correspond.

A further clause, inserted apparently in parenthesis, by way of explanation and supplement, provided that—"in case the King make any voyage or go anywhere in his realm or out of it, and take with him the Privy Seal, and in the meantime it is necessary to hold a Council or two, more or less, in different places . . . the matters treated in the Councils demanding payment or execution

of various matters of the King's business, or others which need warrants"—then bills were to be made in the King's name in due form by those "who shall be governors or chiefs of the said Councils," under their own seals, so that "the King's business by reason of the absence of him and his Privy Seal be not undone." But on the first opportunity after joining the Court, those persons were to bring transcripts of such bills to be examined and enrolled among the warrants, and letters of Privy Seal were to be issued, superseding their bills.

Since the King was actually on the point of leaving the country, the almost studiedly vague reference to his absence as a hypothetical occurrence is curious. It may be due to the fact that the regulations were really drawn up some months earlier, before the date of departure was fixed; but more probably, while Edward considered the provision as an inevitable concession to the authority of the Council in England, the great Officers of State resented the limitation of their power as an indignity—hence a more direct reference to the immediate object was tactfully avoided.

The next clause related to the annual audit, and laid down that, after it was completed, there should be submitted to the King and Council an account of the total value of the returns and profits during the year from the Crown lands, the feudal revenues, the customs, fifteenths and tenths, and other aids; afterwards, the bishop, banneret and clerk should be responsible for a clear and distinct report as to the exact state of the Treasury.

In the case of the subordinate Treasuries of the Household and the Wardrobe similar rules were laid down with regard to the necessity of warrants for all but routine payments connected with these departments, but in the case of the Wardrobe, a verbal order of the King would suffice, since it was directly under his supervision. In both departments the expenditure was to be examined "from week to week, and from month to month," though

probably here only an informal examination was contemplated.

Some useful rules, to be observed in Gascony, Ireland, and "Almain" were laid down as checks upon local expenditure for military purposes, together with some regulations for the method in which ambassadors should account for their expenses.

These were the provisions which more directly concerned the Exchequer. Although they are somewhat confused in arrangement and wording, the mainspring of the scheme is clearly to be seen: the attempt, that is, to bring all Government expenditure under one central control, and that the King's. Closely connected with this is the provision for an annual audit and detailed report of the financial position to the King and Council. The financial system had undergone considerable alteration since the last quarter of the thirteenth century. The executive power lay, as always, in the hands of the King, who was responsible for the whole administration, and with the increasing activity of the Crown, especially under Edward I, the scope of the executive was greatly increased. As the result of this, by a gradual process, the Wardrobe, originally an office of the Household, had in the fourteenth century developed into an important administrative department, responsible for such national expenditure as would be accounted for by a modern War Office, Admiralty and Foreign Office. Already the establishment was tending to divide into smaller departments, for while the chief office followed the Court, one branch remained permanently in London; both were under the control of the Keepers of the Wardrobe, appointed verbally by the King, and his orders were transmitted to them under the Privy Seal.¹

¹ Seargill Bird, *Guide to the Public Records*, p. 248; Stubbs, *Const. Hist.*, II, p. 289; Hall, *Studies in English Official Historical Documents*, p. 228. For the constitution of the Wardrobe, cf. *Eng. Hist. Review*, 1909, p. 496 *et seq.*

Issues might also be made from the Treasury of the Household and other minor Treasuries.¹ Minute accounts were kept by all these, which were in turn audited at the Exchequer, but the suggestion for a monthly departmental audit seems to have been an innovation. All these spending departments depended for their supplies in the first instance mainly upon the Exchequer itself, into which all the revenues of the country were usually paid, or at least, where they were all accounted, to be issued or assigned by the Treasurer and Chamberlains of the Receipt. It was important that there should be a careful check upon all these payments from the central Treasury, for it seems to have been possible for issues to be procured by merely departmental writs.² Other payments and assignments, made directly from the Exchequer, were authorised by writs issued from the Chancery.³ The events which led to the development of the Wardrobe had, however, transferred the balance of power, in the matter of expenditure, very decidedly to the King; the simplicity of the old system had disappeared, by what was perhaps an inevitable change, and the Treasurer was no longer in a position to review the details of disbursement. An interesting suggestion for dealing with the problem is to be found in this scheme of 1338, according to which the "sage homme" to be especially appointed, and whose consent, with that of the King, was to be necessary for all warrants, would apparently have combined functions similar to those of a Comptroller-General with those of a confidential minister of finance.

The suggestion with regard to an annual audit and

¹ Thomas, *Ancient Exch. of Eng.*; Scargill Bird, 204; Madox, i., p. 389.

² Cf. *Red Book III, Exchequer Ordinances of Ed. II*, p. 919. Here the Keeper of the Wardrobe is prohibited from receiving any money except from the Receipt of the Exchequer, and that by warrant to the Treasurer and Chamberlains. Edward II had complained shortly after his accession that money was being issued from the Exchequer without his orders. (Madox, i., p. 394.)

³ Cf. Scargill Bird, p. 32; Hall, *Studies*, p. 228.

report is also important, especially in view of the suggestion that Edward III was strenuously opposed to any efficient audit of his accounts.¹ The Exchequer accounts had always been carefully kept, by means of daily entries, but although these were audited annually, and yearly or half-yearly statements were made by the Auditor of the Receipt to the Treasurer,² the proceedings were merely departmental. According to the scheme outlined in 1338, not only was provision made for an annual audit by an external committee, responsible for a statement to the Council, but it was laid down that such a statement should review in detail the various branches of the revenue and their returns. Apparently it was not until nearly two hundred years later that any such systematic arrangements for report to the administrative authority were adopted.³

The Ordinance did not contemplate audit by a committee responsible to Parliament, and, although no details are given, it is to be supposed that the bishop, banneret and clerk were to be appointed by the King; nevertheless, their report was to be made before the Council, and such a scheme might certainly have paved the way for a better understanding between the Crown and Parliament when the Commons began to desire information on these points.⁴ Had they been adopted in time of peace the arrangements might have been put into execution, but the circumstances of 1338, with the additional difficulties and confusion caused by the failure of the financial estimates, made any real success impossible.

There were other regulations which more closely concerned the policy of the Chancery and were framed with the object of checking the too great facility with which grants and rewards might be obtained. An earlier

¹ Stubbs, II., p. 596 (parag. 288).

² *Ibid.* p. 591. Scargill Bird, 205.

³ Cf. Scargill Bird, p. 206. "During Henry VIII's reign, half-yearly reports of the state of the Treasury were shown to the King."¹²

⁴ Cf. Stubbs, *Const. Hist.*, II., pp. 581-82.

clause had already provided that these should not be made without special warrants, as described above, but there followed some regulations which throw light both on the system of distribution and on ministerial diplomacy. It was ordained: "In case that any ask bailiwicks or offices of the King—annuities, lands, rents, wardships, marriages, escheats, forfeitures, or money, or pardon of debts—be advice taken as to what he has hitherto done for them, for their good service, or by his grace. And if they have deserved more, then let them be rewarded more suitably; and if it seems to the King that the first reward should suffice, then let them be answered that when he has had due time he will reward them well. And with the things which shall be asked of him, the King can reward others who have deserved of him, who have no such reward, or keep them to his own use." After providing that the real value of such grants should first be clearly ascertained, the ordinance continued: "And be it seen that those to whom any such grant is made deserve it, and are worthy of it; and that no great reward be ever made without great and good counsel and advice, so that nothing pass out of the Chancery without express warrant of Privy Seal, saving only matters which touch the law and the office of the Chancellor. But of matters which touch especial grace, or anything counter to these ordinances, nothing." In connection with this, the Chancery Rolls, the warrants, and the counter-rolls were to be examined quarterly by the bishop, banneret and clerk, and a separate clause insisted that the escheators should be strictly charged to return no extents in future which were not "good, true and reasonable."

It is interesting to find these limitations issued with the King's own authority, for they are more usually associated with the principles of a constitutional opposition, and may be compared with a similar pronouncement made by the ordainers of 1311, in their own favour.¹ Probably,

¹ Cf. Stubbs, II., pp. 344, 586.

however, while the general restrictions were fully recognised to be necessary, Edward's chief object at this time was the limitation of the power left with the Chancellor and Treasurer, since these two great officers might control a large part of the Government influence. It has been pointed out that a powerful Chancellor, from his point of vantage as the traditional wielder of the Great Seal could upon occasion act as a paralysing check upon the King;¹ but he could also exercise considerable personal authority. Already not only were charters for the confirmation of liberties issued as of course, and in spite of an attempt to check them under Edward I, although these offered a loophole for subtle encroachments, but certain other charters were also obtainable from the Chancellor by virtue of his office.² Three years later than these Ordinances, Edward III plainly accused Archbishop Stratford of having abused his position as Chancellor by distributing lavish rewards and patronage among his own friends.

Next in importance are the clauses dealing with local administration. The sketch of the conditions of taxation attempted above, and the Council's own admissions in 1339 as to the unreliability of the persons responsible for executing the wool-grants, explain the fact that reform of some kind should have been considered desirable. According to the scheme now suggested by the Ordinance, a system of local election was to be adopted in the case of all officers concerned in the provincial administration—a plan evidently suggested in the hope of securing efficiency by creating a local responsibility for their conduct. It was laid down that in future all the sheriffs should be annually elected by their counties, and should be “*tieux pour queux mesmes les gentz des countees voudront respondre a lour peril*”; that, in the same way, the

¹ Dicey, *Essay on the Privy Council*, p. 35.

² Cf. Hardy, *Introd. to Charter Rolls*, VI., note; Hall, *Studies in Eng. Official Historical Documents*, *Stat. of Ed. I*, *Stat. of Realm*, p. 104.

chief taxers should be chosen from the most loyal and sufficient men, and that "all the other great ministers of the counties," as well as the Comptrollers of mines and of customs, were also to be chosen in full county court. Only in the case of the sheriffs was it definitely specified that election should be annual, but from the context this seems to have been the intention in that of other ministers; it was ordained, however, that no more commissions granting comptrollerships for life should be issued, and that any such commissions already in existence should be recalled. Subordinate customs-officers in the ports were to be elected by their towns, "for whom the towns shall be willing to answer." Subsequent writs authorising the election of sheriffs in full county court in accordance with this order described the measure as inspired by the King's desire "to avoid both the damage inflicted upon himself, and the oppression of his people, by the sheriffs, who have hitherto assumed the office at the procurement of themselves and their friends."

In conclusion came the warning "the men of the counties shall answer at their peril for those whom they shall elect, both to the King and to the people of those bailiwicks."

Although these various suggestions with regard to administration are of interest as an indication of policy, the Ordinances setting forth the intention of the Crown with regard to its debts were of much greater practical importance in their effects upon events. They laid down that in future, no debts of whatever nature owing to the Crown should be estalled ¹ until the King was out of debt; that no such debts incurred since his accession should be respited, and that in case any debts incurred during this time had already been estalled or respited, the estallement should be repealed, and the debts paid within two years at latest. In the case of debts due to the late

¹ "Estallement" or "attermination"—was the acceptance of payment in instalments (Madox).

King or his predecessors, the Council were to consider what arrangements would be most profitable, and to make terms with any debtors or their representatives who should be willing to make fine by paying at once a smaller sum than the original debt. On the other hand, no debts incurred by the Crown itself before the present King's accession should be paid until he was freed from his own liabilities. As a supplement to these measures, the Treasurer was ordered to ascertain, and to certify the King, how much was owing "to different great merchants," as well as the amount of all the other "great debts," and to furnish an estimate of "how much the King has to levy to acquit himself and maintain his state."

Finally, an order which must have given great satisfaction to the opponents of privilege, directed that there should be a general repeal of all letters relieving individuals from the payment of customs, tallages, fifteenths and tenths and other contributions. This was the first step in a policy which was to wage war on all exemptions from taxation.

It was not the first time that an active policy had been adopted with regard to the Crown debts; there was always the greatest difficulty in collecting these, and each reign added to the accumulation of those that were regarded as desperate. In theory, debtors were treated with much leniency, and in practice even greater consideration was shown to them. It was the custom for the Crown to grant "atterminations," or "estallments," — that is, it agreed to accept the amount in yearly or half-yearly payments, or at longer or shorter terms, when the whole amount could not easily be paid at once—and it was always possible for a debtor to claim maintenance from his estate; moreover, although in theory, if the attermind payments were not regularly made, the debtor lost the benefit of them, this rule seems to have been frequently disregarded.

Sometimes the whole debt was respited at the King's pleasure or even during the debtor's life, and such respites were usual in the case of persons engaged in military service, who might also occasionally obtain a complete discharge. The system was open to considerable abuse, more especially since such estallements and respites were not necessarily dependent on a royal writ, but might be granted at the Treasurer's discretion, so that by connivance or bribery the Crown might be defrauded. Such concessions were, however, essentially a matter of grace touching the royal prerogative, and the King might countermand an order for such pardon or respite. In 1284 an inquiry had been set on foot in all counties to discover what sums were owing and what arrangements had been made concerning them,¹ and in the fifth year of Edward II it was ordered that debts to the King which exceeded £40 should be levied in spite of all atterminations except those granted by his special command—but this, says Madox, "was a singular case."² Towards the end of this reign debt to the Crown had seriously increased, and the Ordinances for the reform of the Exchequer in 1325 included the direction—"that the searching out of the King's accounts and debts be continued and perfected, so that all debts and accounts which are due to him may be put in demand."³ But this had shared the failure of the other Ordinances, and the problem of this increasing mass of debt to the Crown must be taken into consideration in passing judgment upon Edward III's policy.

A word must be said as to the authorship and origin of the Ordinances of 1338. The details of these can, unfortunately, only be conjectured, but from the King's writ it is clear that they were more especially the work of

¹ *Stat. of Realm*, p. 70.

² For this question of debts, cf. Madox, chap. xxiii., par. 18, pp. 208-14 and 231.

³ *Red Book*, p. 937, and cf. Hall, *Introd.*, p. cccxi.

that part of the Council which was going abroad with him. It is probable that William de Kildesby, Keeper of the Privy Seal, aided by others among the royal clerks who followed the Court, was largely responsible for them, since he enjoyed Edward's close confidence, and took a leading part in the crisis of 1341; no doubt the arrangements met with the general approval of those more influential members of the Council who were interested in finance from a military point of view, but the King's reference to "nos bons genz" seems to refer more especially to the clerkly element. From the nature of the provisions themselves it appears that those who framed them were possessed of definite theories as to the needs of administration, and belonged to that school of ministers which had been responsible for the Exchequer Ordinances of 1323 and 1326, and carried on the tradition presented by the author of the *Dialogus*. It is important that the similarity between the principles of Edward III's advisers at this time and those held by the ministers of his father's latter years should be emphasised, for Stratford, disputing with the King in 1341, laid much stress on the point, and it throws considerable light on the events of that year.

Towards the end of Edward II's reign an energetic attempt had been made to strengthen the royal power by a thorough overhauling of the administrative system, then notoriously corrupt, and "to ensure the due collection and audit of the royal revenue."¹ This policy has only received passing notice, but an authority who calls attention to its importance² points out that the financial administration was in a chaotic condition, that the debts due to the Crown were seriously in arrears, and that action of some sort was imperative. He believes, too, that the advocates of these reforms were, as compared with the older school of courtiers, "men of far broader views, bent on making the King's authority felt," and that they in-

¹ Hall, *Red Book III.*, *Introd.*, pp. 345-46. ² *Ibid.*, pp. 342 *et seq.*

cluded "the most able and skilful statesmen of the day," although he suggests that they were guided by a desire for personal advancement, and that their policy was one which might, without the other circumstances of 1327, have ended in disaster. These criticisms are worth remembering in connection with later events, and for the present it is sufficient to trace the precedents for the policy begun in 1338, and to suggest points of resemblance between the measures attempted by Edward III and some of the earlier reforms. Unfortunately, however, for picturesque history, it is clear from a passing reference of his own, that the presiding genius was not that of Edward himself.¹

Under the circumstances, the fact that the Bishop of Chichester was anxious to resign the chancellorship at this point is significant. In the ordinary course of affairs, such a resignation on the eve of the King's departure would seem uncalled-for, and it is the more probable that he had some unusual reason for his action, since he and his brother had had six years' experience in connection with the office, and both accepted it again later. There is a strong suggestion that the reason is to be found in the additional oath of his successor "concerning the performance of certain matters according to an Ordinance to be delivered to him." The new Chancellor was Richard de Bynteworth, a royal clerk, lately a Canon of St. Paul's and Keeper of the Privy Seal,² and it is probable that, trained in the inner ministerial circle, he shared the administrative views of the royal advisers and was willing at least to attempt to apply them. The bishop's attitude is not difficult to understand; he must have realised the serious difficulties to be faced in making such an attempt,

¹ The Chancellor was ordered in November, 1338, not to remove a certain sheriff, although "we have heard how it was ordained by you and others of our Council that all the sheriffs should be elected." . . . The words "we have heard" suggest a certain vagueness (*P. R. O. Chanc. Warrants*, f. 249, No. 11352).

² *Cal. Close Rolls*, 1337-39, p. 130. Le Neve, *Fasti*.

and what was no less important, he shared the political views of his brother, Archbishop Stratford, with his constitutional objection to any extension of the royal authority. It is possible, too, as has been suggested above, that the implied limitation of the powers of the Council, and of the great Officers of State, did not meet with his approval.

Edward had taken great precautions with regard to the seals, in view of his approaching absence. The old Privy Seal was broken, and in April, 1338, impressions of the new one were sent to all the sheriffs, who were ordered to show it in full county court, to obey no mandates that were not sealed with it and to forward at once to the King any writs they might receive suspiciously bearing other seals.¹ A new Great Seal had been made for use in England, and its impression was circulated in a similar way on July 11; ² four days later, the Great Seal hitherto in use, which the King was taking abroad, was delivered to him on board the *Christopher* and given into the custody of Kildesby, his secretary and clerk of the Privy Seal.³ By this means the acts of the Keeper and Council were carefully distinguished from those of the King himself, and a further check was given to the pretensions of the Chancellor's office.⁴ On the 16th of July the King set sail. The Government was technically left in the hands of the Duke of Cornwall, then just eight years old, who had been formally appointed Keeper of the Realm four days before Edward sailed; ⁵ all business of State was transacted in his name, but real authority lay with those

¹ Rymer, 1031. April, 1338.

² *Cal. Close Rolls*, 1337-39, p. 319; Rymer, 1049.

³ *Cal. Close Rolls*, 1337-39, p. 520; Rymer, 1050.

⁴ Cf. Dicey, *Privy Council*, p. 35, who compares the policy of Edward II and Richard II in keeping the Great Seal in their own hands. Nicolas, *Proceedings of Privy Council VI*, Introduction, p. 148, mentions Edward III's arrangement, but says that a "duplicate" Great Seal was committed to the Chancellor. Evidently it was not this, but one carefully distinguished.

⁵ *Cal. Pat. Rolls*, 1338-40, p. 112; Rymer, 1049; cf. *Eng. Polit. Hist.*, III., 308.

members of the Council who were in England. At this time two of the most influential ecclesiastics, the Primate and the Bishop of Durham, were absent, having gone abroad with the Cardinals on a final Embassy to the French Court.¹

The official head was the new Chancellor, the Bishop of London, and associated with him, as Keepers of the Seal, were two experienced Chancery clerks.² The Treasurer was Robert de Wodehouse, Archdeacon of Richmond, who had been in office since March of that year, and had held the same position during the year 1329-30,³ the officials under him being Robert de Sadington, Chief Baron, and John de Hildesleye, Chancellor. The Earls of Huntingdon and Arundel, with Ralph Nevill, had been especially appointed to attend the duke, as members of his council, the two last being probably chosen to give advice upon affairs in Scotland, where the Earl of Arundel had received the chief command three months earlier.⁴

The Chancellor, on the day of Edward's departure, sent writs to Huntingdon and the Treasurer, inviting their attendance at a Council on July 23 at Northampton, where Parliament was to assemble on the 26th; he summoned also the late Chancellor, four justices,⁵ and the Bishop of Coventry and Lichfield, an experienced ex-minister who had been Keeper of the Wardrobe under Edward II, and had held the Treasurer's office in 1338.⁶ The writs explained that they were required to discuss "with others of our secret Council" not only urgent business to be treated at the coming Great Council, but

¹ Rymer, II, 1045.

² *Ibid.*, 1031. *Close Rolls*, 1337-39, p. 520, where other clerks and secretaries are mentioned.

³ *Cal. Pat. Rolls*, 1337-39, p. 25; *ibid.* 1327-30, p. 440.

⁴ *Ibid.* 1337-39, p. 112. Appointment dated July 12. Rymer, 1029.

⁵ Willoughby, Stonor, Sharesnull and Herle.

⁶ During the late Spring he had been treating with the Council in London upon affairs of State (*Cal. Close Rolls*, 1337-39, p. 343).

"other matters especially touching us." The urgent business was connected with the failure of the wool-grant, and it may be assumed that the "other matters" related to the Ordinances. On the day after this meeting, the Chief Baron of the Exchequer and William de la Pole were summoned to Northampton, the latter being required to give certain information which, since he had been directing the purchase of wools for the ambassadors in Brabant, probably concerned "the debts to great merchants." The nature of the general discussion can only be conjectured, but from statements made in the Council's later correspondence with the King, it is clear that the policy with regard to the collection of debts met with a hostile reception when it was announced to the Parliament. No copy of the Ordinances was sent to the Exchequer until September 6, nearly six weeks later; they were then described, however, as being drawn up "per nos et concilium nostrum, de assensu fidelium nostrorum nobis assistentium,"¹ and apparently therefore, the Council itself had accepted them, and the Chancellor meant to put them into execution. Already during August writs were being issued in accordance with some of the provisions; thus the coroners in all counties were ordered to arrange for the election of sheriffs,² and in September similar writs gave notice to the mayors and bailiffs of the ports that customs officers were to be chosen.³ The taxers and collectors of the triennial fifteenth and tenth were warned to levy it from all persons whatever, notwithstanding any letters of acquittance from the King or his father, "because the King is in great need of money for the defence of the realm, and the recovery of the rights of his

¹ Rymer, 1050. Arrived there, it was kept "in a certain bag with various statutes" (*Exch. Mem. Roll*, 115, Writs to Bns. Mich., m. 3, d). The original document remained among the writs of Privy Seal.

² *Cal. Close Rolls*, 1337-39, p. 463, August 20, 1338.

³ *Ibid.*, p. 501, September 7, 1338.

Crown," and the same order was sent to the collectors of customs.¹

Parliament had broken up on August 2, and before the end of the month, the Court moved to Windsor; probably, therefore, the justices and others especially summoned to the secret conference in July had left the Council. But during this period it seems that not only these matters, but others of some constitutional importance were engaging the attention of ministers; and that, as the result of directions received from the King abroad, traditional rights of the Crown, some of them in danger of becoming a little rusted from want of use, were being brought out and examined as possible sources of supply.

On September 18 there issued a series of very significant writs to the Exchequer. As a first step towards the execution of the order concerning debts, the Barons were ordered to search their Rolls, and to return a statement of all sums owing to the Crown from debts incurred in the present reign or in the past, with the names of the debtors and the amounts owed by each. A considerable number of the Government's assets, however, arose from the profits of justice; hence a separate writ asked for a statement, or at least an estimate, of the sum which would be produced by the chattels of fugitives and felons, or the debts owing for them, not hitherto raised to the King's use.² In this connection a further reform was attempted, and shortly afterwards writs were sent to the five groups of justices about to set out on their circuits, urging them to take steps to insure that such profits arising to the Crown were levied and accounted for in the most expedient manner. "For," ran the order, "in the time of some of

¹ *Cal. Close Rolls*, September 30, 1338. The Government's point of view may be gathered from a writ to the Bishop of Durham, urging the collection of wools. "Ita quod alicui ejuscunque condicionis fuerit sive status in praemissis quomodolibet non parcatur, maxime cum defensio huius modi sit communis" (*Kellawe's Register III.*, p. 252, August 12, 1338).

² *Exch. Mem. Roll*, K. R. 115, Writs to Bns. Mich. Term; m. 3, d. September 18, 1338; all these writs are described as "per ipsum Regem."

our forbears, eyres of the justices used commonly to be held every seven years in all the counties of the realm, whereby without lengthy waiting, they received satisfaction for the chattels of fugitives and felons, as was fitting; but afterwards, especially in the time of our father, the late King, and in our own, these eyres have been but rarely held, and thus these chattels, which are known to pertain to us and our ancestors, have been delivered to townships and to individuals, to answer for them at the eyres. And now, through death, great lapse of time and their long detention, we have sustained much loss, and shall do in the future unless better provision be made.”¹

In addition to the statements with regard to debts, and on the same date, important information was required with regard to the feudal revenue. First, the King wished to be certified as to the sum which would be produced by the scutage of all England, “from all the knights’ fees which ought to be charged if it were raised to our use, taking forty shillings from the fee;” secondly, they were to discover the amount of the aid for knighting the King’s son taken by Edward I, and of those “*pur fille marier*” taken in the late King’s time and in the present reign, as well as the sum which each would produce “*si integraliter levata fuissent*” in consideration of the number of fees from which such aids ought to be levied. Finally, the King wished to know what amount would be raised by a tallage of the royal demesnes throughout England “*si ad decimam talliata fuissent*.”²

It is unlikely that any serious attempt was made to furnish returns to these writs; the Council admitted that careful scrutiny and diligent inquiry would be necessary, and the labour involved must have seemed to make an overwhelming demand upon the officials. The last occasion upon which such extensive searches had been ordered was in 1325, during the attempted Exchequer

¹ *Originalia Roll*, No. 97, m. 13, October 1, 1338.

² *Exch. Mem. Roll*, as above.

reforms of Edward II, and then the appointment of an extra staff of clerks had been contemplated; it had been admitted, too, that there would be great difficulty in collecting information with regard to feudal tenures, because "there is no sufficient evidence at the Exchequer of the services which such persons (*i. e.* those holding in chief) owe to the King."¹ At the same time it had been stated that the accounts of scutages for the whole time of Edward I and the reigning King had not yet been rendered "because there is no certain remembrance at the Exchequer of the King's fees."² In spite of the directions for an inquiry then given the information was in 1338 equally inaccessible.

The internal history of the next year is obscure, but although no Roll is to be found for the Parliament³ of February, 1339, there are one or two scattered references which show how matters were tending. Already in October, 1338, members of the Council were doubtful about the possibility of a scutage. An attempt had been made in 1337 to collect this contribution, claimed for the Scots war in the first year of the reign,⁴ but at the Parliament of February, 1338, upon an urgent petition that the King would recall the writs of collection, "in consideration of the various burdens which the community sustains in these days"—and also because a subsidy was granted in the same Parliament,⁵ he agreed to do so, "*quamdiu nostrae placuerit voluntati.*" In October, 1339, the Council called the attention of the Exchequer to the writs, by which the levy had been superseded, and asked for advice as to what should be done.⁶ It is not

¹ Cf. *Red Book III.*, pp. 937, 953.

² Cf. *Close Roll of Edward III*, 1337-39; *Cal.*, p. 415; *Red Book*, *ibid.*, p. 961.

³ Summoned on Nov. 15, 1338, for the morrow of Hilary, but prorogued until February (*Cal. Close Rolls*, 1337-39, p. 611; *Rep. Dignity of a Peer*, 497).

⁴ Cf. *Deputy-Keeper's Report II.*, Appendix II., p. 143.

⁵ The unfortunate grant of half the wool.

⁶ Rymer, p. 1013; *Exch. Mem. Roll*, K. R. 115, Writs to Bns. Mich.

clear whether the intention was to levy this original scutage, or to claim another, based on a new enumeration of fees, but in any case it seems to have been decided that no further action was possible.

With regard to the profits of justice in arrears, the coroners of certain counties had been ordered to appear in the Exchequer with their rolls and memoranda relating to the period since the last eyre in each county, so that, after inspection of these, the profits arising from the chattels of fugitives and felons might be collected without delay. But in answer to a petition of the community at the Parliament of February, 1339, complaining of its "divers charges"—just as it had done a year before in the case of scutage—the collection of such profits due in the past was respited "during pleasure."¹ Probably a similar fate befell the inquiries with regard to a tallage, a contribution claimed "as pertaining to the Crown," from cities, boroughs and ancient demesne. An attempt had been made to tallage these in 1332, but it was abandoned, at the request of the prelates, earls, barons and knights of the shires, when, in the following Parliament, a fifteenth was granted. Any mention that the citizens and burgesses joined in the request is noticeably absent, and since in any case they contributed at the higher rate of a tenth to the tax, the explanation is perhaps to be sought in a desire to escape this higher rate on the part of magnates who held ancient demesne.²

Unfortunately, in his financial extremity, Edward was advised to insist upon a step both unpopular and inexpedient, as tending to irritate a group of persons whose co-operation was indispensable. Thus as early as September, 1338, two days after the Exchequer officers received the Ordinances, notice was sent to them that for the present no wages should be paid to any officials who were not dependent upon them for their livelihood; it

¹ *Cal. Close Rolls*, 1337-39, p. 381.

² Cf. *Rot. Parl.*, II., 66; Vinogradov, *Villeinage*, pp. 92-93.

may well be imagined that such an order did not increase their zeal for the strenuous policy that was being adopted.¹

Probably the recall of exemptions from taxation had created a bad impression. There is little evidence as to the numerical importance of these, and the royal writs merely stated vaguely that "as we understand, it was granted to certain men of our realm by us and by the late King, that they should be quit of tenths and fifteenths, tallages, and of all manner of contributions." Such exemptions were frequent in the case of small and poorly endowed religious houses, especially if the foundation had been devoted to charitable purposes,² but these were probably not contemplated by the writ. It is possible, however, to trace the result in two instances. John de Pulteneye, a wealthy London merchant, had obtained a charter in 1325 freeing him from all tallages, aids and contributions except the customary prises;³ he was determined not to surrender the privilege, and having petitioned against the attempt to tax him, in February, 1339, was granted respite till Michaelmas.⁴ He continued to complain, on the ground that the taxers charged him with the arrears of the triennial grant, and in April, 1339, the Council decided that he was liable only from the date of the Ordinance, July 12, 1338. At the same time they gave a similar judgment in the case of another London merchant, Simon de Swanland, who had acquired similar exemption in the first year of Edward III.⁵ Pulteney was still unsatisfied and his persistence was rewarded in February, 1340, when the Council withdrew all claims upon him. Probably, however, the freedom from taxation based on such grants was comparatively

¹ *Exch. Mem. Roll*, K. R., Writs to Bns. Mich. Term.

² Cf. *Cal. Close Rolls*, 1339-41, p. 86, "Hospital of St. Mary, Strode," *et passim*.

³ Cf. *Cal. Close Rolls*, 1337-39, p. 212.

⁴ *Ibid.*, 1339-41, p. 91.

⁵ *Ibid.*, pp. 123; 118.

unimportant as compared with that claimed by custom and prescription.¹

Notwithstanding the issue of writs for the election of sheriffs, it appears that in only three cases was such an election actually made—in the joint shrievalties of Surrey and Sussex, Cambridge and Huntingdon, Somerset and Dorset.² The returns of the election in the two last-mentioned counties have been preserved; they describe the sheriff as chosen in Somerset by the coroners, knights, and other “probi homines,” and in Dorset by the coroners in full county court—“una cum assensu magnatum, senescallorum, et aliorum procerum de communitate comitatus praedicti.”³ The non-observance of the royal order in other counties was probably due to local circumstances, being in some cases the result of representations made to the King. Thus Edward forbade the removal of the sheriff of Warwick and Leicester, upon the testimony of the Earl of Derby that he had borne himself well in the office.⁴

The documents already referred to as illustrating the history of the wools, contain also references to Edward's policy in England. The first of these, consisting of the King's articles of complaint, with the Council's replies, reveals the fact that in April, 1339, the ministers were hesitating very much as to the possibility of carrying out his wishes. To the urgent request that all respites for

¹ In 1339, William Trussel had been acquitted “of all tenths and fifteenths and other quota whenever granted to us, and to be granted, by the community of the realm, any ordinance or command made to the contrary notwithstanding” (June 8, 1339, *P. S.*, f. 254, 11895). The fitful working of the Ordinance is illustrated by entries in the *Calendar of Close Rolls*, 1337-39. The order was superseded in the case of the Prior and Canons of Bustlesham, September, 1338 (pp. 525, 540); they had secured exemption in 1337. A similar grant of 1337 to the Chapel of St. Thomas the Martyr was recognised in February, 1339 (p. 91). An entry of the same date ordered the collectors of the clerical tenth to levy it in spite of any letters of acquittance (p. 9).

² *P. R. O. Lists and Indexes*, No. 9 (Lists of Sheriffs).

³ *P. R. O. Transcripts*, Series I., Vol. XVIII, p. 112.

⁴ *P. R. O. Chancery Warrants*, f. 249, No. 11352.

Crown debts should at once be cancelled, and that these should be levied as speedily as possible, they replied first with considerations of expediency; no debts, they declared, were so well paid as those that were atterminded, and, moreover, as those of the Council abroad well knew, if execution were made for the whole debt, the sheriffs did not answer for half the amount due. There was, however, a more convincing argument; referring back to the previous July, when the question had first been opened, the Council continued: "At the Council of Northampton, answer was made by several great men when the recall of estallements was shown to them, that from time immemorial such respites have been granted and suffered to the great men and others, for the saving of their countenance,¹ and this was the custom of the realm; which matters without the consent of the great men, and that in Parliament, could not, and ought not, as they said, to be changed; wherefore they would not assent to the recall, nor, so far as in them lay, would they suffer it." In conclusion came the illuminating assertion—and here lay the root of the matter—that the more important sums "touchent les grauntz de la terre, contre queux les viscounts nosent faire execucion." An illustration of the importance of this occurred in the November following this same Council, when information was asked of the Exchequer as to what debts were owing to the Crown from the Earl of Northampton; the answer was, that £800 were owing of the ferm of two manors in Berkshire for the past year, and that from other lands fermed to the earl in 1332, £4046 were owing, representing the arrears of the whole ferm from the day of the grant; there were other debts not yet ascertained.² Presumably the boldest sheriff would have shrunk from distraining upon the earl for these amounts.

With regard to a feudal aid, the outlook was no more

¹ Cf. for this term, *Eng. Hist. Rev.*, 1913, pp. 117-18.

² *Exch. Mem. Roll*, 115, Writs to Bns. Mich. Term, m. 66.

encouraging. Negotiations were in progress for the marriage of the King's daughter, and, therefore, the aid "pur fille marier" had been considered appropriate. Edward now urged the Council to arrange for the collection with all speed, in accordance with his previous orders, but they replied that messengers were already on the way to him charged with their advice on this matter, and, therefore, they would refrain from taking any steps until he had received this, and intimated his wishes. Referring to the stoppage of salaries, which had been ordered, they pointed out that before the message had arrived these had been paid until Michaelmas, and that the officials, "say openly that if their fees are withdrawn they will retire from their employment."

Another step urged by the King was the repeal of all assignments on the revenue excepting those to certain important creditors. He seems to have had some excuse for believing it to be necessary, for he was complaining at the same time that such assignments were set aside in favour of less pressing ones. It is quite possible that claims of prior importance were actually being neglected, though the Council denied that any assignments had been made except by the King's own order. They had, however, ordained "en une coverte manere" that no assignments should be paid other than those to persons excepted from the repeal, but they pointed out that loss of credit would result if the order were known, and that the profit would be small; the first and second years' instalments of the lay and clerical grants had already been paid, and there were no assignments upon the coming year's revenues south of the Trent.¹ Difficulties certainly had been placed in the way of important creditors who claimed wools, and the Council's explanations were evidently not considered satisfactory, for Edward insisted upon these points, although in the case

¹ For the possibility of manipulating such assignments, cf. Hall, *Customs Revenue, Introduction*, p. 11.

of the salaries his policy seems incredibly petty and unstatesmanlike.

On May 6, 1339, a writ from Antwerp declared that all assignments, whether made before or after his passage to Brabant were withdrawn, except those devoted to the defences in Scotland and to the merchants of the Bardi and Peruzzi, and that until his return no salaries should be paid to the justices, the Barons of the Exchequer and their clerks, and to other ministers who had independent means, to whom, the King thought, the arrangement ought not to seem harsh. In spite of the Council's previous warning as to the impossibility of obtaining immediate satisfaction for debts, and as to the attitude of the magnates to this question, the same writ gave notice that all respites and estallements of debts granted *since the King's passage abroad* should be withdrawn, and that steps should be taken to collect the sums due in this manner. The demand was reasonable, since the Ordinance issued on his departure had expressly forbidden such arrangements; the King now renewed this order, declaring that he had taken from the Keeper, Chancellor and Exchequer officers the power of making such atterminations in the future, "*quacumque consuetudine non obstante.*"¹

This probably refers to a very significant letter of the same date, addressed to the Keeper of the Realm, in which the King described how, at the time of his passage, certain members of the Council had advised, to provide against perils which might befall him abroad, that the Keeper should be given certain full powers beyond those which pertained to his office, on the understanding that they should only be used in case of necessity. He continued: "We have heard that you are using this power contrary to our will and intention, and are granting franchises, confirmations, gifts, pardons, assignments, estallements, respites of debts and accounts and other

¹ Rymer, p. 1080. By King, at Antwerp.

matters of grace, to our great damage." The duke was required to send abroad a transcript of his commission, and in future to do "only what pertains to the office of Keeper, for the defence of the land, and the maintenance of the law, without granting . . . matters of grace which pertain only to us, unless you have our special mandate."¹

It would seem from this complaint that Edward had been persuaded to give his son a commission so wide as to annul the limitations laid down by the Ordinances, and it confirms the suspicion that they had been practically set aside. The present letter was a distinct reassertion of the claims he had made in 1338, and a manifesto of his intention to maintain them. Moreover, although technically only a limitation of the Keeper's authority, it was in reality a diplomatic assertion of the royal prerogative; a section at least of the baronage was claiming that some of these so-called "matters of grace" were customary rights, and this the King expressly denied. On behalf of the opposition, it might have been urged that, in the matter of debts, the Articles on the Charters had laid down certain restrictions as to the amount and manner of the distress which might be taken, and had thereby weakened the Crown's claim;² on the other hand, Edward might urge that this did not affect his right to demand payment, and that, above all, as responsible for the administration, he was justified in taking such steps as the financial crisis demanded.

¹ *P. R. O. Privy Seals*, Series I., f. 1533, Nos. 27 and 29.

² Cf. *Stat. of the Realm*, p. 139.

CHAPTER V

THE CONCESSIONS OF 1340

EDWARD'S autocratic policy of May, 1339, received an inevitable check within the next five months. It was imperative that he should receive supplies from whatever source, without delay, and in urging this upon the Council, he had evidently suggested that a personal appeal from himself might be useful. To this the ministers replied in a further dispatch—that one which also contained their elaborate excuses for the failure of the wool-grant—that they would do their best, but they advised him to send “*ascun graunt evesque ou autre*”—“*et que il mesmes fuist chevachant sur lespleit de ses busoignes.*” They explained, moreover, that on this point “*le Chauncelier et Tresourer sonnt avisez affaire assembler un parlement ou un conseil des grauntz et ceux de la commune, si les countes qui sount atutlez au prive conseil se voellent assentir, et sur ce lur ont envoie lur lettres*”¹—a reference which indicates that although the working council consisted of the two great officers, with their clerks and secretaries, the appointment of Arundel and Huntingdon had been no mere form, since their consent was considered necessary to any important step. The Council's dispatch spoke no less plainly in reference to further solicitations for the levy of a feudal aid, advising that the arguments already put forward should be well weighed before it was put into execution, “*car autrement . . . le roy perdera trop grandement.*” One of these arguments was quoted, namely, that an examination of the Chancery

¹ Appendix II., Clause 7.

rolls had proved that no aid "pur fille marier" had been demanded since the time of Edward I, and on that occasion "it was granted in full Parliament by all the great men and others of his land, that the King's grandfather should have this aid from all the fees in England, as well from those held of others as from the fees held of himself; and our lord the King would fail of his aid if he were to begin now to demand it of the fees which are held of himself; we hope that this same aid will be granted him at a time when no other aid is being asked of his Parliament, and it will amount to a great sum. And in the event of its being demanded now, it might easily be to the hindrance of another aid if the King should wish to demand any greater one."¹

It would appear from the above statement that Edward III had thought of demanding this contribution by the issue of writs requiring the tenants-in-chief to fulfil the letter of their feudal obligations. The occasions for the levy of such an aid were not frequent, and that of Edward I referred to, granted in 1290, had had no precedent since 1244;² since, however, on both these occasions payment had been granted by the magnates in Parliament—not in 1244 without much hesitation—it seems that, although the Crown's right to the customary aids was recognised, they could not actually be collected without a formal grant. When, in 1346, such a grant was made, upon the knighting of the King's son, the inquisitions of 1303 as to the number of knights' fees, for the collection of the aid authorised in 1290, were used as a precedent.

The King had desired the Treasurer to come to him at Antwerp, in order to discuss the state of affairs more fully, but hearing that this would be inconvenient he

¹ Appendix II., Clause 15.

² Cf. Stubbs, *Const. Hist.*, II., pp. 126–28; *Select Charters*, pp. 475–77. *Inquisitions Relating to Feudal Aids* (Rolls Series), Vol. I., Introduction.

had not insisted, and a clerk, John de Thorp, had been sent instead. The ministers were certainly aware of ill-feeling in the country aroused by the policy of the past year, and it is probable that in the Spring, Parliament had murmured openly against any measures, which would, directly or indirectly, involve the payment of money. They now apparently advised that the best hope of persuading it to make a liberal aid lay in the withdrawal of irritating claims. The Council abroad at this time included, besides Kildesby, Edward's confidential secretary, several other King's clerks, Bishops Burghersh of Lincoln and Orlton of Hereford, John Darcy, Seneschal of the Household, Henry de Ferrars, Chamberlain, and the justice Geoffrey le Scrope. More powerful councillors were the Archbishops of Canterbury, and the Bishop of Durham, who had joined the Council in Brabant in the preceding winter. These two men certainly disagreed with the policy of the former group, and it was probably more as the result of their influence, together with that of certain of the earls who were abroad, than of the arguments put forward by the Council in England that Edward abruptly changed his plans. On September 5 he agreed, with the advice "de nostre conseil pardevers nous," not only to withdraw the repeals of assignments and wages, but to give up his urgency in the matter of the Crown debts, and to leave the making of further assignments on the revenue to the discretion of the ministers.¹ This was a distinct retreat from the claims of 1338, even from those of four months earlier.

The suggestion of the Chancellor and Treasurer had been adopted, and Parliament had been summoned to meet in October.² To this Edward arranged to send the Archbishop, the Bishop of Durham, and William de la Pole, in order that they might lay his necessities before it, and to conciliate the meeting they were

¹ *Exch. Mem. Roll*, K. R., No. 116, m. 1.

² Writs were sent out on August 25.

authorised almost literally to sell certain concessions which would probably be demanded. On September 26, two writs¹ were drawn up, the first of which, purporting to provide "for our advantage, and the quiet of the people of our realm, at the earnest supplication of the Earl of Salisbury, who has long been urging this upon us," granted, "for a reasonable fine," full pardon for all debts not exceeding £10, and for all chattels of fugitives then in demand. The second writ, which seems to have been the result of further deliberation, referred in general to "remissions, pardons, and other favours, many and great" contained in an accompanying schedule. This, completed on the following day, authorised the Commissioners, with the Keeper, the Chancellor, the special councillors, and Henry Percy, to do certain things in the King's name, not all in the nature of concessions.² The acts of grace were clearly to be understood as a bargain, and were offered on condition that "prelates, proceres et communitates fines faciunt et subventiones prout concordari poterit pro praemissis," and they included, in addition to the above points, power of releasing and pardoning the scutage, and the aids for knighting the King's son and "pur fille marier." There were other points of more doubtful popularity; thus they were authorised to receive fines for old debts exceeding £10, and "to take fine for Englishry." The first of these two measures had actually been among the original proposals of the Ordinances which had aroused so much opposition; the second is more obscure, but seems to have meant that the counties should be asked to pay a round sum in lieu of the murder fines due from them. A further article permitted to "gens de Seint Eglise," that during any voidance, the Chapter or Convent might ferm the temporalities on payment of a fine.

¹ Rymer, p. 1091.

² *Ibid.* The Archbishop, the eight-year-old Keeper, and Nevill formed the quorum.

During the financial year ending in the summer of 1338, the expenditure had reached the unprecedented sum of £267,000, owing to the preparations for war, and to the subsidies made to foreign auxiliaries,¹ and on his departure from England, Edward must already have been heavily in debt. When his messengers met the Parliament they were obliged to explain that a liberal aid was needed, since the King's liabilities amounted to £300,000.² After various suggestions had been made by members of the Council, those who were best informed decided that the most profitable grant would be that of a tenth of wool, wheat and lambs, "en la manere quelle ils les donnent a Seynte Eglise, par deux ans." The magnates agreed to this proposal, but asked that the maletolte on wool might be withdrawn, and that neither the present grant nor others in the past might be drawn into a custom and a burden for them; they also asked for a concession with regard to the lands of minors which, in a modified form, had been included among the royal "graces."³

The attitude of the Commons was less promising; while admitting that a large grant was necessary, they declared that they could not make it "tant quilz eussent conseillez et avisez les communes de leur pais," and asked that another Parliament might be called; they also handed in two "billes," one of which contained "la demande de la commune." This, like that of the magnates, included a petition for the withdrawal of the maletolte, and there was also a petition for the punishment of purveyors who made no payment; they asked besides that there might be pardon for "murders, escapes and chattels of fugitives and felons, and all trespasses of the forest in times past"; for the aids for knighting the King's son and marrying his daughter, and for all other

¹ Ramsay in *The Antiquary*, I., pp. 156-60.

² *Rot. Parl.*, II., p. 103.

³ At the same time they asked for a remedy for certain evasive practices by which tenants withdrew the wardship of lands from the mesne lords.

debts; and that they might be shown some security that these concessions would be made. This schedule was almost certainly presented after the royal favours had been proclaimed, but probably the three last demands had been made in the Spring Parliament; in any case, the powers of the commissioners were insufficient to meet them, since they offered pardon only for debts of £10 and less, and expressly provided that composition should be made for greater ones and for the murder-fine; moreover, no mention was made of trespasses of the forest, and the only security offered was the royal letters-patent. Nothing further could be done, however, and the refusal of the Commons to grant an aid may have been due to dissatisfaction on these points. Parliament dispersed after fifteen days' attendance, and shortly afterwards writs of summons were issued for another meeting.¹

On returning to England the Archbishop, now appointed by special patent as chief adviser to the Keeper of the Realm, resumed that position of President of the Council which he had held for so long; shortly afterwards a further change took place by the death of the Chancellor on December 8; on the 9th the Great Seal was carried to the Archbishop, who gave it into the custody of three Chancery clerks, at the house of the Carmelite friars "where the King's Council was being held that day."²

Parliament met on January 20, 1340; since not more than twenty-five of its members had sat in the last Parliament, it would seem that the members of 1339 had incurred some unpopularity by their too hesitating refusal of a grant, or that they were unwilling to undertake so thankless a task again. The cause of summons was laid before the Commons, namely, "that they might give good and agreeable answer to the promises they made in the last Parliament";³ the Council asked,

¹ *Cal. Close Rolls, 1339-41*, p. 277.

² *Cal. Pat. Rolls, 1338-40*, p. 394; Rymer, 1101.

³ *Rot. Parl.*, p. 107.

however, that if the suggestion as to its form then made by the great men did not please them, they would agree upon some other certain and suitable means. They replied "quils voleient parler ensemble et treter sur ceste besoigne." As the result of their deliberations, they offered an aid of 30,000 sacks of wool, "under certain conditions made upon this and sealed under the seals of the prelates and other great men." On the same day the earls and barons again offered "the tenth sheaf fleece and lamb of all their demesne lands."

The conditions were those which had been laid down in the autumn, and since, as before, the ministers had no power to grant them, they decided to forward them to the King "et son secrez conseil prez de lui," accompanied by their own advice. This, however, left the chief business of the Parliament still unsettled, and in the opinion of the prelates, earls and other magnates, it was imperative that an immediate grant of some kind should be guaranteed, especially to equip the fleet against the enemy. They therefore asked the commons "how they would escape these perils and save themselves." Even this dramatic appeal met with a grudging response, for it was only after further long discussion that they offered to guarantee unconditionally a first instalment of 2500 sacks of their suggested grant. Since the Government had now secured credit, the offer of the magnates seems to have been set aside.¹

Early in the previous December, Edward had announced his intention of returning to England as soon as possible, but his departure had, from various causes, been postponed. He landed in England, however, on February 20, the day following the break-up of this Parliament, and writs were immediately issued, summoning another to meet on March 28.²

¹ It is not included in the list of aids; *Deputy Keeper's Report II.*

² Rymer, p. 1115; *Cal. Close Rolls, 1339-41*, p. 456. Writs dated February 20, at Harwich.

The new Parliament met,¹ but was adjourned until April 1. Then, when the cause of summons, namely the King's want of money, had been explained, the magnates and commons agreed to make the long-expected subsidy. The magnates granted "the ninth sheaf, fleece and lamb" for themselves and for their tenants; the knights of the shires made a similar grant for themselves and for "les communes de la terre"; the citizens and burgesses offered "le verrai neovisme de touz leurs biens"; while from those classes in the shires which could not contribute in kind to the ninth, the Government was authorised to take a fifteenth, according to the real value. The grant, however, was made only on condition that "le Roy leur ottrei les petitions quels ils mistront devant lui et devant son counsail." Edward agreed that certain bishops, earls and barons should be chosen to attend daily to these and to draw up statutes upon them; there were also appointed to aid them twelve knights of the shires "que les communes voleint eslire." These persons were also to consider the petitions of the clergy, and to frame statutes upon them; there followed the brief note—"acordez que six citeyns et burgeys soient avec eux pur exploit des choses susdites."

The prelates appointed were the Archbishop of Canterbury and the Bishops of Durham and Chester, of whom the two first, colleagues for many years, shared the same zeal for the protection of privilege; Arundel and Huntingdon, the special councillors of the regency, were among the earls, the third being Edward's cousin, the Earl of Derby. The experience of the barons, Wake, Percy and Nevill, lay rather in military matters, but the justices, Scrope, Parning and Sadington, were strong supporters of the King during the later ministerial crisis, and it was probably owing largely to the influence of these legal members that the resulting statutes conceded somewhat less than the opposition had expected.

¹ *Rot. Parl.*, p. 112.

The petitions placed before this committee do not appear in the Parliament Roll, but they included those left unanswered in the preceding parliaments, and upon these, and the questions raised by them, were founded the Acts of immediate political importance. According to the arrangements now made the scheme for the election of local officials was evidently abandoned, although only the sheriffs were actually mentioned, their appointment being restored to the Exchequer.¹ With regard to the question of debts, it was laid down that all manner of debts, and arrears of fermes and accounts due to the Crown before the beginning of the tenth year of the reign were fully released and pardoned to all persons whatever. In the case of debts for which deferred payments or atterminations had been granted, all those arising before the King's accession were included in the pardon, but those incurred during the present reign were to hold good.² Thus with this exception, the community was released from all its liabilities to the Government prior to January 25, 1336.

This marked a distinct withdrawal of the claims made by the Crown in 1338 and even in 1339. The original design had been to raise within two years all debts incurred since 1327, and to receive as many fines as possible in composition for earlier ones; in 1339 pardon had been offered for those not exceeding £10, while hopes were still entertained of obtaining composition for others; now a full release was granted for all but those arising within the last three and a half years. On the other hand, in two points the Crown maintained its claims, since the pardon extended to a limited period, and in all cases in which the present Government had accepted payment on terms favourable to its creditors, no further pardon was granted. The practical convenience to the community of these concessions must have been con-

¹ *Stat. of Realm*, p. 283, 14 E. III. Stat. 1. c. 7.

² *Ibid.*, c. 3, p. 281.

siderable, to judge from the claims for release, based on the Act, which are to be found. From the Crown's point of view, materially little may have been lost, since the greatest amounts given up arose from those old debts which were already regarded as desperate; but there was a certain moral loss in the confession of failure. Fifteen years earlier enlightened statesmen had believed it possible to collect many of these debts; now those which they had considered comparatively recent and good were surrendered. Moreover, there was no security for the payment of debts excepted from the pardon.

It was further laid down that all surviving sheriffs, escheators, taxers, fermers, customs officers and other ministers who had received the King's goods or money in any form should only be charged to account for sums which they had actually received; this gave an obvious loophole for fraud, since apparently their simple assertion must be accepted, and there would be no difficulty in concealing their receipts. In the case of deceased ministers the heirs and executors were discharged of all liability for accounts and debts for such receipts up to the tenth year.¹ With regard to the profits of justice, the pardon went somewhat further, and released all claims to the chattels of fugitives and felons, to fines, amercements, forfeitures, murder-fines, and fines for trespasses of the forest arising before the King's passage to Brabant, whether already adjudged to the Crown, or to be adjudged in future.² This concession was an almost greater confession of weakness; as might have been expected, the precedent was adopted on future occasions, and at least twice before the end of the reign a similar pardon was granted. In 1362 there was a remission for all trespasses and articles of the eyre tending to fine or ransom "puis le darrein pardon fait a sa commune," saving to the King and his heirs his right in the future; in the jubilee year another such pardon was demanded,

¹ *Statute of Realm*, c. 2. ² *Ibid.*, c. 3.

including all arrears of debts and accounts, but the Council refused to extend it beyond the fortieth year.¹

A separate Act abolished presentment of Englishry, an abolition that has been interpreted as marking a definite point at which "the life of the Englishman ceased to be of inferior value to that of the Frenchman," and thus as forming an historical landmark.² It is probable, however, that it was prompted less by the rising national consciousness than by the injunction of 1339—"de prendre fin pur Englesherie." At the same time the feudal claims were surrendered, although only by casual reference among other concessions relating to past time; thus, the article which released the profits of justice had also included "reliefs and escuages"; and a confirmation of all these pardons, which appeared in the second statute, added "et auxient aides pur faire notre fils chevalier et notre fille marier de tut notre temps." Two further concessions of feudal importance were made, in connection with the Crown's right to the custody of the lands of minors, and its corresponding right to the administration of the temporalities of bishoprics during vacancy. It was established that, to avoid the notorious wasting by the escheators of the lands "of earls, barons, and other great men, as well as of others who hold of the King in chief," the nearest kinsman might be permitted to farm them during a minority;³ for the same reason it was laid down among other grants to the clergy, that, to quote a modern writer, "the chapter or convent was entitled before all others to take the temporalities in farm during a vacancy,"⁴ and that in future these should not be seized into the King's hand without just cause.

These points represented a further retreat from the

¹ *Rot. Parl.*, II., pp. 272, 365. ² Pike, *Year Book*, 1340-41, p. 16.

³ *Statutes*, p. 285. Stat. 1, c. 13.

⁴ Mackower, *Const. Hist of Church of Eng.*, p. 314; *Statutes*, *ibid.* Stat. 4, c. 3 and 4.

position of the Crown in 1339; then the lands of earls and greater barons had been especially reserved for the King's disposal, and in the case of both lay and ecclesiastical fiefs, a fine had been required before the privilege could be obtained; the statutes mentioned no such fine in the case of laymen, and expressly excluded it in that of the clergy. In fact, these arrangements were in accordance with the general tendency to a loosening of the feudal bond between the Crown and its tenants-in-chief. It is true that in the case of both lay and ecclesiastical fiefs the interested lessees were required to render the full annual value, and not less than would have been given by others; but there would be, none the less, a certain loss in prestige and authority to the Crown when its own fermers and escheators were excluded, with a corresponding gain in continuity of management to the estates. Moreover, the ease with which farms might fall into arrears increased the advantage to the subject.

In the forefront of all these substantial advantages was placed a confirmation of the Great Charter,¹ and of all other charters and liberties.

Parliament now withdrew its objection to the "maletolte" so far as to authorise its collection for a further fourteen months, thus granting the first parliamentary subsidy on wool; it was laid down, however, that after the expiry of the grant, only the ancient custom should be taken, and that the grant of the ninth should not be to the prejudice of the community on another occasion. Further, "wishing to provide for the indemnity of the prelates, earls, barons, and others of the said community, and also of the citizens, burgesses and merchants above mentioned" (*i. e.* as granting the ninth) the King promised "that they be not henceforth charged or grieved

¹ The first statute of this group contained other provisions, such as reforms of legal procedure, which were to a great extent routine matters, and in accordance with the general tendency of legislation since 1330 Cf. Stubbs, *C. H.*, II., p. 402.

to make common aid or to sustain charge but by common assent of the prelates, earls, barons and other great men and commons of the realm of England and that in Parliament.”¹ This declaration has been described as “the most distinct step of progress taken in the reign,” and “the real act ‘de tallagio non concedendo.’”² It was certainly provoked by rumours that the King was thinking of reviving his claims to scutage, feudal aids and tallage, and, whatever strictly legal interpretation it might bear, there can be no doubt that it was understood by the community in a general sense as covering “every species of tax not authorised by Parliament.” Moreover, it was a protest against the heavy indirect taxation of the last few years, and from the point of view of the Commons, the issue of commissions of array, the impressment of men and ships, and extensive purveyances for military purposes would be regarded as distinct breaches of the Act. The employment of this last form of indirect taxation was, however, at the same time distinctly forbidden by another Act.³ It is doubtful whether the declaration could be held to cover the three customary aids, since these had already in another Act been remitted during the King’s life. In 1346, on the knighting of the Prince, all the great men abroad with the King agreed that “il doit avoir l’aide,” and those in Parliament at Westminster ratified their decision; evidently the Commons concerned did not refuse to pay, and their later complaint, on the ground that it had been “pardone par estatut,” in this year, seems rather to refer to the pardon in the third act than to the more general declaration of the fourth.⁴

¹ *Statutes, ibid.* Stat. 2, c. 1 and 4.

² Stubbs, *C. H.*, II., p. 402.

³ In the case of “les grands purveances a faire, come des chars, pesshons, et autres vitailles pur les guerres le Roy et pur ses chastiels et villes vitailier en Escoce, Angleterre, et ailleurs,” merchants or other good men were to be deputed by the Treasurer “sanz commission ou sanz poair du Roy ou d’autre” (Stat. 1, c. 19).

⁴ Stubbs (*C. H.*, II., p. 415 and note) suggests another view, *cf.* p. 549.

The policy of Edward III during the last three years reveals a lingering desire to assert the rights of the Crown from a feudal point of view, a last feeble effort to maintain a constantly weakening struggle. This had been begun by Henry II's searching inquiries of 1166 to ascertain the number of knights' fees which had been created. It was continued in John's rigorous enforcement of feudal claims, and in his similar inquest into the amount of service due from each fief—a "galling measure" which is said to have been largely responsible for the crisis of 1215);¹ in the inquiries authorised by Henry III in 1244, in Edward II's inquiries in Yorkshire in 1316, and in the decision of the Council towards the end of his reign that means should be taken to obtain a true assessment for the levy of scutages which had been claimed under Edward I.² But as the subdivision of fees increased, the collection of contributions based on the knight's fee became proportionately difficult. One writer has pointed out that "the operation of a levy became more and more slow, the payment more and more reluctant," and that the number of fees accounted for by the ecclesiastical lords was being reduced—that, for instance, the Abbot of St. Edmund's accounted in 1282 for six fees instead of forty.³ Yet it is evident that the Crown was desirous of keeping record of the lands held by escuage; as late as 1343 inquiries were ordered as to the number of knights' fees held of Christ Church, Canterbury.⁴

The bonds of the feudal superstructure were slowly loosening, but in an age when among the most influential sections of society the conception of the King as feudal lord was still a natural one, the process of change may well have seemed an indication of weakness. The difficulty of Government during the earlier part of the fourteenth

¹ *Sel. Charters*, p. 146; McKechnie, *The Great Charter*, p. 89.

² Dowell, I., p. 59; Madox, II., 680; *ibid.*, 683; *Red Book III.*, p. 960.

³ Baldwin, *Scutage and Knight-service*.

⁴ *Cal. Pat. Rolls*, 1343-45, p. 96.

century is partly explained by the fact that the period was so markedly one of transition. The national consciousness was strengthening, but the claims of the King as national sovereign were only vaguely understood. The position is distinctly to be traced during these years, and is clearly summed up in the declaration of 1340, in which Edward promised his subjects that the present grant "*ne soit autrefois trete en ensauple, ne ne chete a eux en prejudice en temps avenir*"—that is to say, they recognised no obligation upon themselves to give more than a strictly limited financial support to his Government. This attitude is constantly evident—in the assertion, for instance, that the aid of 1338, for which the scutage was withdrawn, was made "*gratanter et benevole*," and in the demand of the barons in 1339 that "*neither their present grant nor others in time past may be drawn into a custom and burden for them.*" Although, as has been pointed out by Bishop Stubbs, the process of bargain and sale, so well exemplified during 1339 and 1340, formed a practical solution of the difficult question as to the means of adjusting the conflicting claims of crown and community, the instinct of the Kings, constantly indicated by a futile "*sauve toute fois la prerogative*," was to some extent a true one. The claims they abandoned, although practically unremunerative, rested on a conception of ordered authority, while the substantial temporary advantage they obtained might well appear to rest on no foundation beyond an often capricious goodwill. The history of these three Parliaments, in the autumn of 1339 and the Spring of 1340, demonstrates the fact that the Commons enjoyed a very real and effective power; on two occasions it is they who refuse to join in a grant actually offered by the magnates, insisting upon the conditions which they have laid down. Moreover, the fact that borough members also were associated in the framing of important statutes suggests that their importance was not merely nominal.

But while these formal constitutional landmarks are of extreme importance in the history of Parliament, a study of these and the following years brings out clearly the fact that the period was a critical one in the history of Government.

CHAPTER VI

THE SUMMER AND AUTUMN OF 1340

EDWARD was not able to leave for the Continent until June 22 of 1340, for, in spite of his anxiety to return as soon as possible, successive delays had occurred. During the four months which he spent in England, his relations with the Primate, the President of his Council, had on at least one occasion been somewhat strained. Since the Chancellor's death, in December, 1339, his office had been vacant until on April 28 Edward reappointed Archbishop Stratford.¹ Avesbury describes a disagreement which took place soon afterwards between Stratford and the King because the latter refused to admit the existence of danger from the French fleet; it is said that Stratford resigned his office in protest, but agreed to resume it again on being approached in a conciliatory manner.² There existed, however, far deeper grounds of misunderstanding, all of which may have contributed to his action on June 20, when he went to the King, then actually on board his ship in the Orwell, and again resigned his office "*praetendens se propter infirmitatem et impotestatem corporis suae non posse diutius in dicto officio laborare.*" Edward caused the Great Seal to be broken, and another to be made for the Government in England, arranging that Robert Stratford, Bishop of Chichester, should succeed his brother.³ It is possible, in view of this incident of the Seal, that the Archbishop's action was not unexpected, and that it was caused by some resentment at the King's insistence upon maintaining a distinction between a royal Great Seal and

¹ Rymer, 1122.

² Avesbury, p. 311.

³ Rymer, 1129.

that of the Regency. On one point, however, Edward had been obliged to yield; the Council left in England on this occasion was far less closely bound than the last had been, and possessed wider powers. On taking the Chancellor's oath neither the Archbishop nor his brother had taken the additional oath to observe the Ordinances, and these seem to have been definitely set aside by the royal letters of October, 1339. In 1340 the Duke of Cornwall was again appointed Keeper of the Realm, with the Archbishop and the Earl of Huntingdon as his special advisers, whose duties included constant personal attendance upon him.¹ His powers, which were at the same time definitely drawn up, included those of removing and replacing justices and other ministers "in England, Wales, Ireland and Scotland," and of doing all "other sundry matters which are to be done for the royal honour and advantage in these countries, and in Aquitaine, and for the reformation of their state."² The Treasurer's office had since May of this year been held by Sadington, formerly Chief Baron, and one of Edward's most trusted ministers, but on the eve of the King's departure he was replaced by the Bishop of Coventry and Lichfield. The ministry thus included the Primate and two other bishops, of whom one was his brother, while his influence had been increased by the recent election of Ralph Stratford, a relative, to the bishopric of London.³

Edward's determination in again leaving England was rewarded by the one triumph which he gained during these years, in the defeat of a French fleet off Sluys on June 25; but the country was not to be left to the peaceful contemplation of this victory as a crowning achievement. Three weeks after the break-up of the Easter Parliament, another had been called to meet on

¹ Rymer, 1125. On May 25, the Keeper, the Archbishop and Huntingdon were appointed; on June 21, Percy, Wake and Nevill were associated. Cf. *Rot. Parl.*, II., pp. 115, 116.

² *Ibid.*

³ *Annales Paulini*, I., p. 369, January, 1340.

July 11, with a view to making further arrangements for the collection of the ninth.¹ Scarcely had it completed these, when the Earls of Arundel and Gloucester arrived with letters from the King, in which he asked very urgently for supplies to be sent. Writing from Bruges, on July 9, he explained that he had on foot an army in two divisions destined for Tournai and St. Omer, numbering in all 150,000 men, besides the forces of the allies; that to support these he required large sums of money, while he was also bound to the payment of heavy debts before setting out; and that if no pay were forthcoming the result would be the desertion of his allies to the enemy, and the withdrawal of the mercenaries.² When this communication had been read before the whole assembly, all very justly agreed that the ninth could not possibly be collected quickly enough; the magnates, after considering all means of raising money, obtained the consent of the commons to a loan of 20,000 sacks of wool, to be taken as before at the prices fixed in 1336, and sold to English merchants. On July 30 an account of what had been done was sent to the King; the ministers and Council declared that they were working "de jour en autre, sans ascuns feintises," and remarked somewhat apologetically that "the intention of the great men and commons of your land is that this aid be not put into the hands of such men as your other wools have been hitherto, but that all the same grant may come to your profit"; but since the aid had only been granted within the last few days, he must not wonder that no supplies had yet reached him.³

Edward wondered very much, however, when, in the middle of September, he had still received nothing; according to his own later admission, he had set out with very small provision, and owing largely to want of money

¹ *Cal. Close Rolls*, p. 472.

² *Rot. Parl.*, II., p. 118 (8).

³ *Ibid.*, p. 121 (28).

the sieges he had planned had to be abandoned; his fears were realised by the withdrawal of his allies of Brabant and Hainault, and on September 25 he was compelled to agree to the nine months' truce of Esplechin.¹ After spending the month of October at Ghent, while creditors were becoming more and more pressing, Edward wrote to the Council reproachfully, yet with remarkable restraint, declaring that if only he had been aided with a small sum, he might have won as great honour as ever prince did. He assured the ministers of his faith in themselves, but suggested that, clearly, all persons were not doing their duty.² That he should have suspected the existence of fraud in the local administration was, after the experience of the last three years, a matter of course; moreover, as pointed out in an earlier chapter, such suspicion was evinced almost instinctively towards all who were in any way concerned in the handling of Government money. Already there could have been little doubt that a crisis of some kind was approaching. During the Easter Parliament a general desire had been expressed that the accounts of all persons who had been concerned in the late financial transactions might be audited, and on April 5 William de la Pole, having been summoned before the Great Council, was told that "the King and the great peers of the land, and others for the commons wished to be informed as to what had become of the goods which he had received to the King's use"; he replied that he would be ready to make answer when and where he should. A similar account was demanded of John Charnels and William de Melchburn, and of other merchants for the Bardi and Peruzzi; all had been ordered to appear again on the quinzaine of Easter, and all found influential mainpernors, including the Earls of Derby and Huntingdon.³ Although several of the sureties were undeniably in Edward's confidence, there

¹ *Eng. Polit. Hist.* III., p. 347.

² Printed by Déprez, p. 355.

³ *Rot. Parl.*, II., p. 114 (22, 23).

can be little doubt that he was no less desirous than the Great Council that an audit should take place, since already in the previous summer he had ordered the Exchequer officers to account fully with Pole and Conduyt for the time when they were responsible for the receipt of wool in Brabant.¹ In 1340, however, the audit was again delayed; on June 21 a writ described Pole as "at present engaged in the array of the account which he is bound to render at the Exchequer," but not until July 2 was a committee of auditors formally appointed, slightly different in membership from that nominated in Parliament.² The commissions narrated that the appointment was the result of the above petition that such an audit might be held, to include the accounts of all persons who had received the King's wools or moneys since the grant of the triennial fifteenth and tenth, "lest the said goods be diverted, or come into the hands of others desirous of abstracting them, or retaining them in their possession"; and that Edward had agreed, "for the quiet of the people and his own advantage," notwithstanding any acquittance or pardon given by himself to any of them. He promised also that, if necessary, the accounts of those persons who should receive the present subsidy of the ninth might be audited in a similar way.³ Four days later, however, the committee received notice to view Pole's account, but not to proceed with it, because the King had heard that he had not charged himself as fully as he ought to be charged, and therefore wished it left open until his own return.⁴

All attempts which had been made during the last two years to secure an efficient administration appeared to have been fruitless. In the autumn of 1339 the Chancellor and Treasurer had received instructions that "touz noz ministres de quele condicion qils soient en

¹ *Exch. Mem. Roll*. K. R. 116. Writs of Hil. m. 2, July, 1339.

² *Cal. Pat. Rolls*, 1338-40, p. 551.

³ *Rot. Orig.*, 97.

⁴ *Cal. Close Rolls*, 1339-40, p. 488.

qui defaute nous avons este encea si mal serviz de noz leynes, vitailles et autrez noz purveantz soient hastiement remuez, et autres par vous y mys qui soient bons, loials et diligentz, et si suffiseantz qils eyent dount estre respoignantz a nous de lour defaults" . . .¹ This order seems to have been only partially carried out, and an instance of its working may be found in the following January, when Thomas de Melchburn, late collector of customs in the port of Lynn, complained that he had been ousted without cause, and obtained a writ of Privy Seal for his reinstatement.² Seven months later than the above order, in the Easter Parliament of 1340, it was ordained that all collectors of customs and comptrollers and tronours of wools in the realm, as well those appointed for life or for a term of years as others, should at once be removed, and replaced by others to be elected to hold office during pleasure; the present holders were said to have permitted merchandise to be exported without custom, not only in negligence, but openly and by connivance. The Ordinance of 1338 had attempted to deal with conditions of this kind by providing for local responsibility, but had been unsuccessful in cases where vested interests were involved; the present order for election shows, however, that the idea had not been abandoned. The Council had evidently not been strong enough to carry out the instructions of 1339, for on this second Commission very influential persons were appointed: thus the Archbishop and the Earls of Arundel and Huntingdon were made responsible in the south and west; the Bishop of Durham, Percy, Nevill and Geoffrey Scrope in the north; and other local magnates in the third district, formed by East Anglia.³ It is very doubtful whether there followed any appreciable effects, for in the following autumn preparations were being made at the

¹ *Exch. Mem. Roll*, 116, m. 1.

² *P. R. O. Chancery Warrants*, f. 262, No. 12633.

³ *Cal. Pat. Rolls*, 1337-40, p. 507, April 28, 1340.

King's instigation for a searching inquiry before the Council into the conduct of the officials at the ports. A special meeting had been called for the first week in September to hear Brother Richard de Wynkele and another, whom Edward was sending to England charged with certain matters to be laid before it,¹ and apparently at this time it was arranged that a council should be held on the Monday after Michaelmas "for the punishment of false ministers."² The meeting was to be an important one, and the persons summoned to attend on this same Monday included the archbishop, six bishops and abbots, and sixteen earls, barons and justices. Before this full council there were to appear all the sheriffs of England, the mayors and bailiffs of fifteen customs-ports, each with four men "of the most discreet, honest, and wealthy of the town"; the collectors of customs in these same towns, with their receipt rolls, and sixteen important wool-merchants.³ No evidence is obtainable as to the results of this meeting, but probably, as the notice given was short, it was not fully enough attended to have been effective. In other departments, beyond possible loss to the Government, as here, there was the probability of extortion and oppression to be experienced by the subject. Edward was quite aware that the communities were becoming exasperated, and according to one chronicler, the Council warned him in the autumn of 1340 that the people would rise against them rather than make further contributions.⁴ In connection with the purveyances, where it was well known that fraud took place, inquiries had been attempted during 1339 and 1340. After the suspension of Dunstable and Blount in the July Parliament of 1338, the King had written from abroad to order their arrest, and that

¹ *Cal. Close Rolls*, 1339-41, p. 621, August 29.

² *Hist. MSS. Commiss.*, Vol. IV., p. 193.

³ *Cal. Close Rolls*, *ibid.*, 624, 625, 626, 627; *Rep. Dig. Peer.* IV, 528. All writs dated September 14 and 15.

⁴ Aungier, *A French Chronicle of London*, p. 83.

inquisitions should be held into their behaviour and the extortions they had practised;¹ in the summer of 1339 such inquiries were being held in Oxford and Berkshire, but in the autumn Parliament of that year further complaints were made, and it was agreed by the Council that all commissions recently made for the purveyance of grain and other victuals should at once be recalled, and that the purveyors and their deputies should be imprisoned "until inquiry can be made into their extortions from the people"; writs were issued warning them that their commissions were suspended.² During 1340 further commissions of inquiry seem to have been issued, and several deputies were arrested in Lincolnshire, where the Baron de Cantilupe had been assigned to consider the doings of Dunstable and Walingford, another purveyor. These inquisitions, however, and those held simultaneously in Northampton were adjourned from time to time until the following year.³ Meanwhile the collection of the ninth was proceeding in a suspiciously dilatory manner and the receivers in seven southern counties had been summoned to attend before the Council on September 5 to give information before it; in the middle of October, however, they had neglected the order, and were again summoned, to appear at the end of the month.⁴ On the last day of October, writs were issued to the vendors and assessors of the subsidy throughout England, warning them to go from town to town, taking information as to the extortions of the sub-collectors, and causing all produce taken beyond the just tax to be restored; in case they were remiss, a general inquiry was threatened, to be held before St. Andrew's Day by the King's justices, who should have power of punishing the guilty "beyond the accustomed punish-

¹ *P. R. O. Chanc. Warr.* f. 247, No. 11274, Antwerp, August 3, 1338. *Cf.* Chap. II. above (p. 15).

² *Rot. Parl.* II., p. 104. *Rot. Orig.*, No. 98.

³ *Exch. Mem. Roll*, K. R., No. 117, "Records of Hilary."

⁴ *Cal. Close Rolls*, 1339-41, p. 635.

ment.”¹ Before St. Andrew’s Day dawned, Edward had taken matters into his own hands. During the whole of November he had been faced with bankruptcy, on the Continent rumour already whispered that he could not meet his obligations, and in response to his repeated letters to the Council, he is said to have been assured that it was quite impossible to gather together the wool lately granted him.²

It was not merely that his resources were insufficient for the needs of extensive military operations, although this was obviously the case; but creditors to whom assignments had been made six months earlier had been quite unable to obtain payment. The proceeds of the ninth in eleven counties had been assigned to various important creditors, and in eight more to the merchants of the Bardi and Peruzzi, who undertook to make payments before the following September 8th to various other creditors whose claims amounted to over £28,000.³ Thus the subsidy of the first year was only available from some ten counties. The object of the grant of wool in July had been to furnish further supplies for the autumn campaign; but in spite of the stipulation that it should be entirely devoted to this purpose, the proceeds in eleven counties had been assigned by the Council to the Bardi and Peruzzi for the payment of some of those debts for which they had already received assignments elsewhere.⁴ In the remaining counties the grant appears to have been seriously mismanaged; it had been arranged that the proceeds of the ninth for the second year should be reserved to pay for the wools purveyed in this way, in complete disregard of the fact that in some sixteen counties this revenue had already been assigned to the

¹ *Cal. Close Rolls, 1339-41*, p. 585.

² *The French Chronicle*, p. 82.

³ *Rot. Parl.*, II., p. 121 (26); *Cal. Close Rolls, 1339-41*, pp. 528, 614; *ibid.*, p. 540, to Lucca merchants; p. 557, Brussels merchants; p. 508, to Marquis of Juliers.

⁴ *Cal. Close Rolls, 1339-41*, p. 529.

Italian merchants. When this difficulty was realised, the collection in those counties was stopped.¹

As long ago as the summer of 1338 the Government had entertained hopes of a renewal of relations with the English merchants, and numbers of them had been summoned to the two earlier Parliaments of 1340; when the new grant of wool was made, the sheriffs had been ordered to send several of the most discreet and wealthy merchants of their counties to treat with the Council.² Before this meeting took place, arrangements were made with those merchants who were at hand for the purchase of the wools in nine counties; the whole of the purchase-price was not payable until three weeks after they had actually been received, but from this source £3466 were guaranteed before Michaelmas, payable to the King abroad. For these arrangements the Archbishop, Chancellor and Treasurer made themselves primarily responsible, but, although it was agreed that the King could be more speedily aided by bargains of this kind "que en nul autre manere que le conseil savoit et pouvoit ordeigner,"³ the result seems to have been disappointing, since apparently little more than £5000 were available from this source before the end of October.⁴ Even had agreements been punctually kept, the King must have found the delay almost unendurable, but, as might have been expected, the events of 1338 and 1339 repeated themselves; between September 18 and the end of October notice was actually received that in twelve counties none of the King's wool had yet been raised, and many merchants failed to keep their agreements, pleading that they had received nothing, and so had not the means of making an advance.⁵ Moreover, it was reported to the Council that "alien merchants are com-

¹ *Cal. Close Rolls*, 1339-41, p. 545.

² *Ibid.*, p. 613; *Rot. Parl.*, II., p. 120 (18).

³ *Rot. Parl.*, II., p. 120.

⁴ *Cal. Close Rolls*, 1339-41, pp. 529, 533, 614-18.

⁵ *Ibid.*, pp. 537, 538, 543, 548. *Cf.* p. 589.

binning to get the greater part of the wool of the realm into their own hands," and although the sheriffs had been ordered to forbid all persons either to purchase or sell it until the King was served, or purposely to withhold it from his use, these directions had, as before, been quite ineffective, and the collectors in four counties were accused of delay in taking wool which they knew to be hidden in certain places.¹ At the end of November the creditors were still unpaid, since the merchants had not received their assignments, and Edward decided to return to England and institute a thorough inquiry into the causes of such constant delays and of the complaints of ministerial oppression which reached him. The picturesque story of his dramatic landing at the Tower by torchlight on St. Andrew's night has often been told; how—in spite of twice-repeated orders that a guard of seventy men-at-arms and archers should be provided²—he found constable and garrison conspicuously absent, and how within the next few days he had summarily arrested many prominent men. Shortly afterwards, commissions of Trailbaston were issued, providing for a searching inquiry into the conduct of all ministers "since the King assumed the Government of the realm."

¹ *Cal. Close Rolls*, 1339-41, pp. 532, 538, 579, 616.

² Rymer, 1102.

PART II

CHAPTER VII

THE CRISIS OF 1340

It has been said of Edward's action after his unexpected return to England that he "brought about by his impatience the second great ministerial crisis of the reign,"¹ a statement which, in view of the history of the last three years, is somewhat unfair. A crisis did ensue, however, which was a constitutional no less than a ministerial one, and which also awakened disputes of old standing between Church and State.

The King fully intended to institute a searching inquiry into the management of financial business since the beginning of the war, to discover the cause of the delay in raising supplies which Parliament had granted, and to carry out a thorough reform of the local administration. According to the version given by one chronicler, who appears to be well informed, he had received warnings from an official in England, advising him to return suddenly and to arrest certain persons, about whom secret information was also given,² and subsequent events would suggest that there was a foundation of truth for the story. Edward brought to England with him some eight or nine persons in whom he seems to have had considerable confidence, and who had been members of his

¹ Stubbs, *C. H.*, II., p. 402.

² "Si estoit un de eux q'estoit jure au Roi, mieutz voilaunt a lui qul nul des autres, et savoit touz lour privitez et contractes, et priveement les mist en escripture, et tut lour affaire coment entre eux avoyent ordeinee, et si il mesmes ne venist priveement en Engleterre, riens lui vaudroit plus des lettres eux mander." . . . (*French Chronicle*, p. 83.)

Council at Antwerp; probably the most important was his indispensable secretary and adviser, William de Kildesby, Clerk of the Privy Seal, and Keeper of the King's Great Seal abroad. Among the others were the Earl of Northampton, John Darcy, Seneschal of the Household, Giles Beauchamp, Nicholas de Cantilupe, Reginald de Cobham and Walter Manny.¹ On his arrival, Edward lost no time before taking action. At dawn on the following morning, December 1, the Chancellor, the Bishop of Chichester, was called upon to give up the Great Seal; the chroniclers declare that, after having summoned both Chancellor and Treasurer, Edward attempted to arrest them, offering them the alternatives of remaining in the Tower, or going abroad as hostages for the payment of his debts, and that it was only as the result of protests from the Chancellor, reminding him of the canonical censure incurred by those who should lay hands upon a bishop, that he abandoned his intention.² According to a document which purports to describe the charges made by the King when the Bishop of Chichester entered his presence, Edward complained that, as his Chancellor, and in spite of repeated requests for supplies "*de exitibus regni et aliis subsidiis nobis per communitatem concessis*," the bishop had left him and his friends "*quasi oblitos*," although he certainly knew the urgency of the case. The manuscript is torn, and partly illegible, but it appears that the bishop declared himself ready to make answer, and that this explanation was adjourned until after the Epiphany.³ During the next few days various persons were arrested. Justices Shareshull and Shardelowe are said to have been seized as they were holding the assizes at Cambridge, while the Chief Justice of Common Pleas and the late Chief Justice of the Bench shared the same fate. Four clerks of the Chancery were attached—John

¹ Murimuth, Baker; Rymer, 1142.

² Murimuth, Baker; cf. Barnes, Rymer, 1141.

³ *Parl. Proceedings*, f. 46, No. 11.

de St. Paul, Keeper of the Rolls, and a frequent custodian of the Great Seal, his colleague, Michael de Wath, Robert de Chigwell (who, as supervisor of wools, had aroused the King's suspicions in 1338), and Henry de Stratford, another relative of the Archbishop. A fifth clerk, John de Thorp, was employed at the Exchequer, and he it was whose explanation in 1339, when sent abroad instead of the Treasurer, had helped to bring about the concessions offered by Edward in the autumn of that year. In different parts of the country there were also arrested John de Pulteneye, who had recently been successful in his struggle against taxation, Thomas de Ferrers, Nicholas de la Beche, the negligent Constable of the Tower, and William de la Pole, whose account as receiver of the King's wools had been considered defective six months before. Baron Wake seems also to have been arrested, but was honourably delivered almost immediately, and some of the others appear to have been released not long afterwards.¹ By the advice of Kildesby, who was apparently the guiding spirit in all these proceedings, the persons arrested were for the present imprisoned in various royal castles, as far apart as possible. The case of John de Molyns, whose arrest had been ordered, but who on December 2 was found to have fled, affords a good illustration of the character of the times. He had first risen into prominence in 1330, having won his way into the King's confidence by assistance given to William Montague in the attack on Roger Mortimer at Nottingham, and, since he retained the close friendship of Montague, it was perhaps largely through his influence that Molyns steadily increased in wealth and importance, accumulating various manors in addition to that of Stoke Poges which he had acquired by marriage. In 1340 he was possessed of some eleven manors and lordships in Buckingham, eleven more in Somerset and Wiltshire, and two in Oxford-

¹ Avesbury, p. 332; *Chron. Melsa*, III., p. 47; Murimuth, 116; Baker, *The French Chronicle*, p. 83.

shire, as well as lands in Surrey. During this time he had been rapidly adding to his privileges in these by obtaining various grants of fairs, and free warrens, with licences to impark, and to castellate his dwelling-houses. In 1337 he received the coveted privileges of the return of all writs and the right of gallows in ten of his Buckinghamshire lordships, and in 1340 he had just obtained similar rights in his Wiltshire estates, with a grant of all the knights' fees pertaining to the extinct baronies of Pinkney and Chokes.¹ As Knight of the King's Chamber he had gone abroad with the army in 1338, and at this time lent various sums of money to Edward; he was employed as a messenger to the Council in 1339, and in 1340 was one of the supervisors of the ninth in the counties of Bedford and Buckingham.² Throughout his countryside he enjoyed an evil reputation as a maintainer of false quarrels; in 1338 he had been especially charged with the guard of the peace in Buckingham, but apparently as recently as the autumn of 1340 he had ejected a certain William de Wychyndon from various lands in this county, carrying off his charters and muniments.³ In 1334 Molyns had obtained pardon for all arrears of debts, fermes and accounts owed by him at the Exchequer, and this had been confirmed in 1338 and 1339; he had also received in 1334 a general pardon for all indictments laid against him in the reigns of Edward II or the present King, and at the same time similar pardons had been obtained by his friend Montague and by Nicholas de la Beche, who was now also arrested. Twice in 1335 all these pardons had been confirmed, and the confirmation was repeated as late as 1338, Montague in the meantime having been made Earl of Salisbury.⁴

Edward had evidently received information against

¹ Dugdale, *Baronage*. *Cal. of Charter Rolls* (years following 1327).

² *Cal. Pat. Rolls*, 1338-40, pp. 501, 502.

³ *Ibid.*, 1340-43, p. 206.

⁴ *Cal. Pat. Rolls*, 1334-38, pp. 10, 88, 112, 119, 567; *ibid.*, 1338-40, pp. 191, 390, 405.

Molyns, for on December 4 he is said to have gone to the Abbey of St. Albans, and to have insisted, much against the Abbot's will, upon inspecting the buildings, with the result that in one apartment he discovered a great treasure belonging to the fugitive. After Christmas the King visited the manor of Stoke Poges, and having feasted there for three days with the magnates of the neighbourhood, proceeded to Ditton, another of Molyns' manors where, says the chronicler, he found armour for eighty men, and much plate and treasure tied up in big sacks, well corded and carefully hidden; all this Edward seized.¹ Molyns' offence is nowhere explicitly described, beyond the fact that it was "rebellion," and the only definite charge discoverable against him seems to be the statement of two Buckingham juries in the following year that he had in 1338 authorised his servants to seize in a private house twenty-four sacks of wool collected; not apparently from himself, to the King's use; these were carried to his manor of Datchet, the King's Seals being replaced with his own.² Edward had deputed the Earls of Salisbury and Northampton and John Darcy to arrest Molyns "for reasons very greatly affecting ourself and the business of the kingdom," but it is not surprising that his friend Salisbury gave notice that after the arrest he had escaped and fled.³

A remarkable feature of the crisis of 1340 is the extreme bitterness which Edward is said to have expressed towards the Church. According to the French chronicle already quoted, he declared that he would hang all ecclesiastics who should be convicted, and would in future have no Churchman for his Chancellor or Treasurer or in any other great office. The account is probably exaggerated, but there can be no doubt that he was intensely mistrustful of his clerical ministers—he emphasised this mistrust by his subsequent appointment of laymen. This anti-

¹ *The French Chronicle*—the only one which gives the story.

² *Assize Roll*, No. 75, m. 16.

³ *Cal. Pat. Rolls*, 1341-43, p. 104.

clerical attitude seems to have been due principally to the misunderstandings which had arisen between himself and the Archbishop of Canterbury, already causing friction in the previous June. Now, Stratford affected to believe that his life was in danger from the King's friends, and that it was Edward's intention to imprison him with the other victims; therefore on December 2 when the royal messengers arrived at Lambeth he had already set out for Canterbury, having perhaps received warning, but ostensibly to receive the profession of some monks.¹

The personal politics of the time are obscure, and the relations between Edward and the Archbishop during the autumn are difficult to trace. Stratford's biographer alleges that there existed among the courtiers much envy and hatred of him, that fictitious reports were circulated to the effect that he was a traitor to the King and kingdom, and that it was as the result of these, and at the instigation of certain clerics and knights who were scheming to bring about his death, that Edward returned, prepared to attack him. The writer, a monk, can suggest no better explanation of this than the resentment aroused by the Archbishop's reputed efforts to suppress the youthful frivolity of the Court; Avesbury, evidently thinking of Kildesby, ascribes the King's action to the malice of some of his secretaries. In spite of his assurances in November, 1340, of faith in the Council, it is certain that Edward was at that time suspicious of Stratford, for shortly afterwards, in sending news to Benedict XII of the truce that had just been signed, he took the opportunity of making various accusations against the Archbishop. These were evidently intended to shift from his own shoulders responsibility for the late expedition, since he gave the obviously false impression that it was Stratford who had egged on his departure in June. At the same time, however, he expressed the belief that the Archbishop had purposely withheld supplies, in order to

¹ Birchington.

ruin him, and had attempted to create serious misunderstandings between himself and the Queen; these suspicions were, for the present, to be kept secret.¹

It is extremely probable that Edward's friends were at this time doing their best to prejudice him against the Archbishop. Among his closest advisers abroad had been Burghersh, Bishop of Lincoln, John Darcy, and the Earl of Northampton, and it is significant that these had been the chief of those ambassadors in Brabant whose action in the spring of 1338 had alienated the English merchants and had immensely complicated the financial business of the last two years. By a curious coincidence, just at the time of Edward's return, Burghersh and Geoffrey Scrope, who are said to have been the principal instigators of an attack on Stratford, died abroad; had Burghersh lived, it is possible that the question of responsibility for the failure of the financial schemes for the war would have been fought out between him and the Archbishop, since it is clear from Edward's letters that this had not been forgotten. It was, in fact, a natural topic of discussion during the idle days that followed the truce of Esplechin.

On December 4, four days after his return, Edward sent Baron Nicholas de Cantilupe to Canterbury, with a message desiring the Archbishop to join the Council in London at once, and to prepare to go abroad as hostage for the debts due to the merchants of Louvain—a request less peculiar than would at first appear, since the Earl of Derby was even then detained abroad for this purpose. Stratford replied that the matter needed great deliberation, and promised to return answer by one of his own people.

During the first fortnight of December, not only the Privy Seal but the Great Seal of the Regency and that which had been used abroad were in Kildesby's custody, and it was not until December 14 that the Chancellor's office was filled, when Robert Bouchier, a layman and

¹ *Cal. of Papal Letters*, p. 585, also quoted by Déprez.

a knight, was appointed. On the following day Robert Parning, who five months previously had replaced Willoughby as Chief Justice of the King's Bench, was made Treasurer;¹ he was a man of unusual ability, and has been described as the greatest Justice of Edward III's reign.² The fact that he and Sadington, Chief Baron of the Exchequer, did not share the disgrace of their colleagues, but retained the King's favour in high office for many years, proves that he believed them to have been faithful to his interests, and lends colour to the chronicler's belief that he received warnings from friends among the ministers. Edward's course of action was a bold one, since he had not only hopelessly alienated influential ecclesiastics who, since 1330, had practically monopolised the chief offices of Government, but, by the unprecedented appointment of a lay chancellor, had given an open rebuff to Churchmen in general. It is significant, however, that not for five years was the chancellor's office again held by a cleric.

Edward was adopting a fresh attitude to a problem that had periodically confronted the lay authority since the Conquest—the means of producing harmony between the rival claims of Church and State. Henry II had tried to reconcile the two by appointing his faithful Chancellor to the Primacy, but Becket, with clearer vision, had at once resigned his office under the Crown; Edward I, apparently with a view to the same solution, had attempted to secure the archbishopric for Burnell. Only twice, however, since Becket's resignation had the functions of Primate and Chancellor been discharged simultaneously by one man when, in 1333, Edward III secured the appointment of John Stratford, then Bishop of Chichester, to the see of Canterbury. On that occasion the King's action was probably suggested less by motives of policy than by the personal influence of the bishop. Stratford had not resigned his secular office, and had been

¹ Rymer, 1142.

² Holdsworth, *Hist. Eng. Law*, II., 468.

Chancellor—with an interval of nine months, during which his place was filled by the Bishop of Durham, an old friend and political supporter—from that time until March, 1337, when he was replaced by his brother, the Bishop of Chichester. The latter had held office until the appointment in July, 1338, of Byntworth, who swore to observe the new Ordinances.

The position of the Church at this time was a formidable one; the clergy as a body formed a large and peculiarly privileged class of the community, fenced about with immunities which offered a firm front to the instinctive advances towards centralisation made by the growing national State, and foremost at every constitutional crisis in demanding a confirmation of its liberties. Not, however, until the beginning of active preparations for the French war, did Edward III's Government make any serious demands upon the clergy, and then, in the summer of 1337, the King seemed to be secure in the support of the Archbishop of Canterbury, who had undertaken the financial arrangements for the war, and was apparently favourably disposed towards his policy. Stratford's position was at this time one of unusual influence; he had been for many years the King's principal adviser, and his personal importance may be gathered from the fact that Edward's ambassadors, in addressing their dispatches, coupled his name with those of the King and Queen—"au Roy, ala Reine, et Lerceveske, et as autres du conseil."¹ Moreover, in this same year his secretary wrote of him to the Prior of Christ Church—"scitis potest dici de eo 'dixit, et facta sunt.'"²

In the December of 1337 the Bishop of Lincoln and other ambassadors had gone abroad with the King's wool, and during the same month, cardinal legates had arrived in England, charged by the Pope to leave no stone

¹ *Chanc. Misc.* Bundle 32, No. 18.

² *Hist. MSS. Com.*, Vol. IX., p. 85: from Letter Book of Christ Church, Canterbury.

untuned to prevent the outbreak of war. Although the King was not averse from gaining time by negotiations, their methods were somewhat threatening, and a message of January, 1338, to his ambassadors in Brabant illustrates in a striking manner the importance which Edward attached to the goodwill of the clergy. He urged that if possible an opinion favourable to a truce should be obtained from the allies in time to be announced at the Parliament which he had summoned to meet in February; one reason which he gave for the request was the fact that the cardinals were stirring up the clergy to oppose the war. They had called together the Archbishop and all the bishops and abbots who were in London, at the house of the Carmelite Friars, where they had shown papal bulls empowering them to excommunicate Kings, prelates, earls, barons and all others of whatever condition who should be against peace, and against the Church's counsel—and also to proclaim an interdict, and to deprive Churchmen, except only archbishops and bishops, of their benefices, if they opposed it. Edward urged therefore that they should obtain such answer from the allies: “qil ne perde le pappe ne que l’eglise lui soit contraire; car les ditz cardinals ont dit cy pressement que sil ne trou le consail le pappe qui laime souverainement, l’eglise lui serra entierement contraire; queu chose lui serra a graunt peril, od les autres adversitez qil ad.” Concluding, he again urged them to advise a truce, “eant regard au peril d’offendre le pappe et l’eglise.”¹

The legates arrived at a critical moment in Stratford's political career; it was just at this time that the unfortunate failure of his financial schemes was giving opportunity for retaliation to his old rival Burghersh, now a rising diplomat, and entrusted with important and confidential missions. By his action abroad Burghersh had, as already pointed out, placed himself in a position which compelled him either to acknowledge an equal

¹ *Chanc. Misc.* Bundle 32, No. 18.

responsibility for this financial failure, or to emphasise the fault of his archbishop; as might have been expected, he chose the latter course. Stratford was not proving himself entirely successful as a war minister, and since his interest in the war was probably beginning already to diminish, he may have been willing to listen to the peaceful counsels of fellow Churchmen. The impression made upon him by the meeting at the house of the Carmelites may have been only a passing one, but six months later, circumstances threw him closely into the society of the cardinals, when in June, 1338, he and the Bishop of Durham went abroad with them, apparently at their earnest request, on a mission to the French court.¹ During this journey he must have been led to much searching of heart as to his future policy; the legates certainly left no stone unturned in order to win to their side so valuable an ally, and the Pope himself addressed letters to him and to the Bishop of Durham, expressing surprise at Edward's disregard of the counsels of the Holy See, and requiring them to urge him on pain of excommunication to abandon the Imperial alliance.² It is not surprising if, on joining the English Court at Antwerp, in the winter of 1338-39 the Archbishop's views had undergone some modification.

From the necessities of his circumstances at this time, Edward had a clear conception of the State, with its claims and duties, and fully grasped the importance of his position as its head. The language of the royal writs which in the spring of 1339 required the bishops to convoke the clergy of their dioceses, in order that they also might contribute men-at-arms for home defence, illustrates this clearly. They contained the statement that "all and sundry of the realm, of whatever state and condition, of their due allegiance and fidelity are bound to expose themselves and their goods to the defence of the Church and the realm, and for the preservation of our

¹ Rymer, p. 1045; *Reg. of Papal Letters*, p. 567.

² *Ibid.*, pp. 570, 577 (September and November, 1338).

and their honour." The same idea is expressed in his indignation at the refusal of an additional grant by the York Convocation.¹ It may have been due to personal motives, inspired perhaps by mortification at the position of confidence now usurped by his rival Burghersh, that Stratford inclined to a different point of view; in any case, he seems at this time definitely to have decided that the claims of the State were in direct conflict with those of the Church, and must be opposed.

In March of this same year, 1339, he addressed a letter from Antwerp to the Bishop of Bath and Wells, in which, after explaining how he had been labouring for peace, he called attention to the serious attacks which were being made upon the liberties of the Church. Referring apparently to the writs quoted above, he pointed out that the recent attempts to obtain financial help from the diocesan assemblies were in direct defiance of the ancient custom that all business of this kind should be transacted through the agency of the Archbishop and his Vicar-General. Further—and this was no less intolerable—the goods of ecclesiastics were being taken against their will, by virtue of commissions issued from the Chancery. The Archbishop pointed out that, "nisi tam perniciosus obstetur principiis, timendum est ne paulatim transeant in consuetudinem," and exhorted the Bishop to consider "jacturam Ecclesiae et temporum jam currensium qualitatem," adding the advice:—"Do not withdraw yourself from Parliaments and public councils, but come to these after the manner of a good pastor, making known their wrong-doing to the people, speaking constantly, and taking counsel for the State." Finally he declared that he had caused sharp process to be made against the violators of the Church's liberty—"et si fuissemus in Anglia, pun-genciores fieri fecissemus."² The nature of the steps he

¹ Rymer, 1072, 1092.

² Register of Ralph de Shrewsbury, p. 357 (*Somerset Record Soc.*, Vol. IX).

intended to take was made known in a letter to the Bishop of London, dated also from Antwerp on May 5, 1339, in which the Archbishop declared himself anxious to proceed against those who maliciously infringed the rights of the Universal Church, and especially of the Churches of his province, since, in spite of the sentences of excommunication pronounced by Simon, his predecessor, against all who should take anything from the houses, granges, or manors of ecclesiastical persons against their will, certain "sons of perdition" had presumed to take corn and other goods from Churchmen, and continued daily to do so. He therefore ordered that all the bishops of his province should be warned to cause within two months the proclamation of greater sentence of excommunication against such persons with all solemnity in the parish churches of their dioceses, on Sundays and festivals; all persons known to be guilty of these practices should be denounced by name until they made satisfaction.¹

These measures were called forth by the somewhat difficult position in which the clergy were placed by the policy of Edward III and his heavy war taxation. The clergy had come to a working agreement with Edward I, according to which they contributed a certain proportion to direct taxation; and since the end of the thirteenth century they had been accustomed to make their grants in Convocation, according to an assessment based on the valuation made under Pope Nicholas in 1292, which included both spiritualities and the temporalities annexed to their churches. At the beginning of Edward I's reign, however, they had already insisted on obtaining protection by Statute against the royal prerogative of purveyance in all its forms, and this protection had been confirmed in 1309 and 1316.² As has been shown above, the heaviest burdens during the years 1337-40 arose

¹ *Register of Bishop Grandison*, II., p. 914.

² *Stat. Westm.* I., c. 6; *Statutes of the Realm*, pp. 153, 175.

from indirect taxation, which, whether authorised by Parliament or not, partook of the nature of purveyance; — therefore this indirect taxation was strenuously resisted by the clergy. Already in the autumn of 1337 complaints had been made because, they declared, laymen entered their demesnes and carried off wools, or sealed the doors of their store-houses.¹ When the collection of wools was placed on a parliamentary basis in the spring of 1338, the position was more complicated; the indirect tax had assumed the form of a lay grant, and the clergy were not only forced to contribute against their will, but endured a further indignity, since they were virtually being taxed — by the authority of a lay assembly, at which, they claimed, they had not been represented. Apparently those bishops who were actually present consented to the grant, but according to one reading of Murimuth, it would seem that they were few, and were regarded as having betrayed their order.² During the period from February to July, 1338, this ambiguous position continued, and some of the higher clergy, including the Archbishop, refrained from making any contribution. When at the Parliament of Northampton in July it was found necessary to authorise the collection in a different form, the Council had at first decided as before, “*que les clerics allassent en contribution oue les lays*,” but this did not solve the difficulty; the clergy still refused to be bound by a grant made by a lay assembly, and in order to obtain their assent, the Convocations were summoned to meet in October—as Murimuth explains, “*quia clerus ad illud concilium non fuit vocatus, ordinatum fuit quod vocaretur*.” One objection was thus removed, since the clergy were to be asked to give their consent as a body in their own assembly, but the original objection to the form of the grant remained, and the

¹ *Eng. Hist. Rev.*, 1906, p. 730.

² He says that half the wool of the realm was granted which the King took “*ab invitis laicis et clericis . . . licet cleri ad hoc non fuerunt vocati, exceptis paucis prelatiis, qui clerum ab iniuriis defendere non curarunt; tamen rex a clero lanas exeguit*.”

Canterbury Convocation which met at St. Bride's Church in London on October 1, took the opportunity of registering a definite refusal—"solutionem vero lanarum expresse negaverunt."¹ The clergy of this province, however, granted an additional tenth, beyond the triennial tenth, and even agreed to anticipate the terms of the current tax; the Northern Convocation refused to make any grant whatever. In spite of this, the clergy were held liable for the wools exacted of them in the spring, and during the autumn of this year several abbots and priors asked that the exaction in their case might be superseded, since they had been present at neither Parliament of the year.²

Thus, during the years 1338 and 1339 the clergy as a body had good ground for resenting what they considered unconstitutional treatment, since both the King abroad and the Council at home pressed the collectors to seize the wools of churchmen no less than those of the laity. At the same time the extensive purveyance of victuals pressed scarcely less heavily upon them, and an impression was gaining ground among ecclesiastics that the liberties of the Church were in danger. When Stratford resumed his place as President of the Council in the autumn of 1339 he seems to have used his influence to check these grievances, and to have assumed the leadership of the clerical opposition. On making their grant in January, 1340, the clergy of his province had attached the condition "that they should not be burdened with any further contributions at this time,"³ and at the Easter Parliament of this year they presented petitions for redress, upon which on April 16 the King granted them a charter, which was also incorporated with the Statutes of the year.⁴ In addition to the concessions described elsewhere, it contained the provision that in future no persons, on the King's behalf or under any commission,

¹ Murimuth, p. 85; Wilkins, 626; Wake, 288.

² *Cal. Close Rolls*, 1337-39, pp. 592, 607, 608.

³ *Cf.* Wake, p. 287.

⁴ Wilkins, p. 655; *Stat. Realm*, I., p. 292.

should take the goods or carriage of any ecclesiastical persons, whether found within or without the fee of the Church, for they had been taken into the King's special protection. The question of indirect taxation was thus apparently settled, the clergy, claiming by virtue of their peculiar privileges, to be free from burdens from which others of the community were trying to escape by limiting the power of the Crown. The grant of the ninth, however, had raised further difficulties in connection with direct taxation, and in July the Council, under the Archbishop's guidance, had issued an order superseding the collection from all men of religion who were not summoned to the last Parliament.¹ Stratford had thus definitely entered the lists against the lay authority.

Unfortunately Edward and his secretary had already acquired a bad reputation in ecclesiastical circles. It is significant that in April, 1340, the King thought it advisable to write to the Pope in protest against the rumours circulated by his enemies describing him as a persecutor of Churchmen and a subvertor of their rights; ² a fortnight later he published a denial of the reports that Kildesby had been excommunicated by the Holy See, asserting that he was "very worthy of honour from the King, who for his merits holds him dear above all others and keeps him always at his side." ³ Just at this time Edward was supporting Kildesby's election to the see of York by a minority of the canons; his rival was the Dean of York, William la Zouche, who had been Treasurer since the winter of 1338. Zouche was a younger son of the baronial family of Zouche of Haringworth, and a pushing ecclesiastic who since 1330 had had much official experience and had steadily been accumulating preferments.⁴ It is improbable that Stratford allowed to pass without

¹ *Cal. Close Rolls*, 1339-41, p. 613.

² Cf. Déprez, p. 304, who quotes Edward's letter of April 13.

³ *Cal. Pat. Rolls*, 1337-40, p. 519, April 26.

⁴ *Dic. Nat. Biog.*; *Hist. of Church of York*, 417; *Cal. Pat. Rolls*, 1338-40, p. 195.

comment the King's attempt to raise Kildesby, at the dean's expense, to an ecclesiastical dignity second only to his own, and Edward probably suspected that he was the author of some of the hostile rumours. Now, in December, 1340, in view of the hopeless failure of the extraordinary subsidies granted since 1337, it is not surprising if the King exaggerated the hindrance due to the Church's refusal of co-operation, and held his clerical ministers responsible for this.

Beyond requesting his attendance at the Council, Edward seems for the present to have ignored the Archbishop, and to have turned his attention to questions of administration. On December 10, general commissions, of the nature of commissions of Trailbaston, were issued, authorising a searching inquiry into the conduct of all ministers since the King's accession; the word "minister" was to be understood in the widest sense, including any person who had been employed by the Crown in any capacity, with or without payment.¹ The commissions recited that the King had been given to understand that the people had suffered great oppression and extortion at the hands of his justices, coroners, sheriffs, escheators and their clerks and deputies, and of many other ministers, of whom a long and detailed list was given; therefore, to provide for his own indemnity and the peace and quiet of the people, and to remedy those matters "prout decet," he had assigned certain persons as his justices, to inquire by the oath of the men of the counties, concerning the misdeeds of all these officers, and to hear and determine their trespasses. The duties of the justices were by no means light; in the counties included in their commission they were to supervise the particulars of taxation in every township for every tax that had been taken during the reign, to inquire concerning the export of uncustomed wool, and to arrange for the seizure of all wools which

¹ Cf. *Cal. Pat. Rolls*, 1340-43, p. 106; Pike, *Year Book*, 15 E. III, *Introduct. State Trials of 1289*; *Introduct. Assize Roll, Suffolk*, No. 858, m. 1.

were to be found, until provision had been made for the completion of the 20,000 sacks last granted—in July, 1340. Moreover, their authority was not limited to the cognisance of the misdeeds of persons actually employed by the Crown, extending, to the hearing of all “such complaints against any persons whatever.” Finally, the royal advisers took advantage of the growing popular irritation produced by the petty tyrannies of the ecclesiastical courts, to empower the justices to inquire into and punish the extortions and oppressions attributed to deans, archdeacons and other officials attached to these, no less than those of laymen. In short, every possible charge was included in the scope of the commissions, short of the more serious criminal offences, and even this omission was remedied when, during February, the same justices were authorised to hear and determine all murders and other felonies committed, not only in the present reign but in the preceding one. The comprehensiveness of these commissions and the fact that in the later case the scope of inquiry extended over a period of thirty-three years, must largely have defeated their object, and the suspicion arises that Edward’s advisers had fallen into the fatal error, common to most mediæval politicians, of regarding the inquisition rather as a financial measure than as a means of reform.

Several commissioners were appointed for each group of counties, and in each case they included, in addition to justices and clerks, other more influential men, at least one being an earl or greater baron. Promises of help in this manner had been obtained from eleven earls and barons, each of whom on December 12 received letters of indemnity for any future burdens which might arise from this precedent.¹

¹ Rymer, 1142. The idea was evidently similar to that which earlier had prompted the barons to protest their freedom from obligation to try persons not their peers. But *cf.* Pike, *Year Book*, 15 E. III, whose explanation is different.

Meanwhile Stratford had refrained from joining the Court, and was laying his plans at Canterbury; perhaps designedly, the result of his deliberation was not made public until December 29, the anniversary of the death of Thomas Becket. It was inevitable that he should have met his opponents as a Churchman rather than as a politician, but his attitude was dictated also by deep political purpose; he took his stand definitely with what may be called the mediæval party, and the ensuing dispute brings out with unusual clearness the conflicting ideals of the old order and the new. On St. Thomas's Day, after the Archbishop had delivered a sermon in praise of the martyr, there followed a dramatic scene; he protested to the assembled people that he, also, wished to champion the rights and liberties of the Church, and with tears acknowledged his past errors, in that he had given himself up to secular business, and especially in that he had contributed to the oppression of the people, by countenancing taxation—"de oppressionibus cleri et communitatis Angliae, ac solutionibus decimarum ad opus Regis procuratis"; for these he asked their pardon with tears. Then, explaining that certain of the King's friends, wishing ill to himself, and basely accusing him of treason, had, in defiance of the Great Charter, arrested clerks, justices and knights, he caused sentence of excommunication to be pronounced against all who should thus violate the liberties of the Church. Two days later the articles were sent to his relative, the Bishop of London, who was instructed to forward copies to the other bishops for publication on Sundays and Holy days in all the parish churches of the province.¹ The accompanying letter declared that Holy Church, which ought to be free, was in these days oppressed with divers vexatious burdens, her goods, to which no lay hand should extend, being seized upon at will as a prey; that the clergy were treated with reproachful contempt, and that the reins of injustice

¹ Birchington, *Anglia Sacra*. Cf. Barnes.

and oppression were let loose. Therefore was he, as Archbishop, "taking fatherly compassion upon the groans of the oppressed, and considering that the Divine compassion has exalted us, not that we should spend our days in quiet, but that, being profitably instructed by the example of our predecessors, we might expose ourself as an impregnable wall for the House of the Lord against all who shall attack it."¹ The excommunication was directed against all, excepting only the royal family, who should deprive churches of their right, and should distract the peace of the King and kingdom, or give counsel thereto; who in defiance of the Charter, and liberties granted to prelates, earls, barons, knights, and "libere tenentibus" should seize and imprison free men; and who should be concerned in legislation which might infringe the Great Charter itself—"statuta ediderint, consuetudines introduxerunt, vel servaverint introductas, scriptores statutorum, nec non consiliarios et executores, et qui secundum ea praesumerint judicare." The previous sentences against all who should purvey the goods of the clergy were also included, and a final manifesto extended the sentence to all who had presumed to impute treason to any archbishop or bishop, or should knowingly imprison a clerk, or make accusations against any persons not hitherto of ill-repute "apud bonos et graves."

This step was obviously meant to prejudice the population against the Government, and to deal a blow at the coming inquisitions; Stratford had taken up the King's challenge.

¹ *Register of Grandison of Exeter*, III., p. 933.

CHAPTER VIII

THE CONSTITUTIONAL STRUGGLE

DURING January, February and March, 1341, a struggle was being waged between the Archbishop and the King, which reached a climax in the April Parliament of this year. A study of the correspondence evoked by the dispute during these months illustrates the fact, already suggested by the history of the last three years, that the personal quarrel had its roots in fundamental differences of principle; the political theories of the disputants were irreconcilable. Edward claimed for himself the position of a national sovereign, the head of a State with claims of a distinctive character upon every one of its subjects. Stratford opposed to this not merely a feudal theory, which logically excluded the possibility of claims such as these, but the widest demands of the mediæval Church, as a body outside the control of the temporal power, and superior to it.

This exclusive attitude, however, although foreshadowed by the scene at Canterbury, was not at first openly revealed, and when, on New Year's Day, Stratford wrote to the King, it was rather in the capacity of a statesman, who viewed with misgivings certain existing political tendencies. The letter opened with an ominous reference to the story of Rehoboam, reminding Edward that a similar fate had befallen the late King, his father, when, misled by evil counsel, he imprisoned and put to death peers and others of the land. Now, he continued, by the evil counsel of certain persons "who are not so wise as they should be, and seek rather their own profit than your honour and the salvation of the country," Edward himself was attack-

ing clerks, peers and others, in defiance of the Great Charter, although all who should infringe it were ipso facto excommunicate, according to the papal bull "*la-quelle nous avons devers nous*"; moreover, although the King was given to understand by those same men "*q'ore se fount governours et conseillers, plus avant que lour estat lour donne,*" that what he was now doing would be "*plesaunt a vostre comune poeple,*" let him be assured that nothing of the sort was coming to pass. Therefore the Archbishop urged him to take to himself the great and wise men of the land, as had hitherto been the custom, for without their aid and counsel he could not support his undertaking, or govern in any satisfactory manner. With regard to the charges against himself and others, he desired that the prelates, magnates and peers might be summoned to a fitting place where he could safely come, suggesting that the King should inquire into whose hands had come the wools and other subsidies granted since the beginning of the war, and by whose fault he had lost Tournai. For himself he repeated that he would submit to the judgment of his peers, saving the rights of his order.¹

This letter was emphatically an appeal for a baronial council, as opposed to one which contained the royal clerks and secretaries; dictated in the spirit which, in Henry II's reign, had criticised the advisers whom the King "*raised from the dust,*" it contained a thinly veiled threat with regard to Edward's supposed tendencies towards a benevolent despotism. His measures were declared unlikely to conciliate his "*common people,*" and, yet more important, they were alienating the influential classes without whose support he was helpless. The words furnish the key to many of the royal failures of the fourteenth century.

Edward was, however, young and enthusiastic. Even

¹ Rymer, 1142. A phrase at the end of the letter suggests that some earlier correspondence has been lost.

from the lowest motives of personal interest he was concerned in securing an efficient administration, and, after the events of the last three years, he had some excuse for believing that summary measures were necessary; influenced certainly by personal motives of anger and indignation, he might also claim to be exercising the discretionary power of the executive for the good of the State. His only reply, therefore, was to send the Baron de Stafford to Canterbury, demanding an explanation of the sentences of excommunication recently published. With characteristic evasion the Archbishop returned answer that they were not authorised by himself, but by the Canons and the Holy Fathers.

The King was confronted with the danger which he had feared three years earlier, since the Church now appeared to be very decidedly against him. For the present, however, he continued to devote his attention to questions of administration. On January 14, Parning, Sadington and another justice received a commission to arraign singly at the King's suit the thirteen persons who were in custody, the charge against them, founded on "common report and clamour of the people," being the general one that they had "borne themselves unfaithfully and fraudulently in their offices."¹ On the following day an order was issued for the removal of all sheriffs, escheators, coroners and other ministers in the shires who had been in office before the King's return, while the hereditary sheriffs of Lancaster and Westmoreland had already been warned to remove their deputies. Five days later, the mayors and bailiffs of thirteen ports received notice to cause the election of some six or eight men of their towns who had not hitherto held any office, as collectors of customs; on the 18th, writs had been issued for an eyre to be held at the Tower of London in the second week of Lent—the first that had been held there for twenty years.²

¹ *Cal. Pat. Rolls*, 1341-43, p. 110.

² *Cal. Close Rolls*, 1339-41, pp. 607, 660, 663, 659.

Since it was expected that the lands of alien religious communities, taken into the King's hand during the war, had been let at unreasonably low terms, proclamation was now ordered in all counties that those who had farmed such lands should appear at the Exchequer, in order that the terms might be revised.¹ Six new Exchequer officials were appointed on January 20; at the beginning of February the Council, returning to the policy begun by the Ordinances of 1338, ordered them to take steps for the immediate collection of the Crown debts which were still unpaid, and at the same time the sheriffs were warned to deliver all the issues of their farms at the Exchequer, making no payments from them of any kind whatever. A decisive step was also taken with regard to the collection of the ninth, which, although it had been authorised nine months previously, was still unaccountably hindered and delayed. The original writs of collection had been issued in April, 1340, but so much difficulty was experienced in disposing of the produce in kind and in ascertaining its value, that the Parliament of the following July had been asked to consider the matter, and to suggest some speedy means of collection. After much hesitation, it had been decided that the produce should be sold to the lords of towns, if they were willing to receive it, or, otherwise, to four "prodes homes" of each vill. The amount of the clerical tithe of 1292 had been adopted as the value in each parish, the original attempt to obtain the true value of the ninth thus being abandoned.² On January 26, 1341, however, a serious effort was made to secure a true assessment, and commissions were issued, providing for an inquisition to be held in each parish in order that this might be ascertained.

Shortly afterwards Stratford wrote to the Bishop of Exeter—and probably also to other bishops—urging him

¹ *Cal. Close Rolls, 1339-41*, p. 664.

² *Rot. Parl.*, II., 118. The commons had suggested the sale "for the tax (of 1292) at least, or more, if worth more, or at the real value."

to spare no pains in making known the impiety of those who were despoiling and preying upon the Church, and to exhort the people to hold Church and clergy in more than the accustomed honour.¹ He also addressed a letter to the King and Council, complaining that the five clerks whom Edward had seized were detained in spite of the excommunication published against those who should violate the liberty of the clergy. He urged the release, not only of these, but of all persons still imprisoned in defiance of the law of the land, declaring that, unless these matters were remedied, neither he nor his suffragans would hesitate to enforce the papal excommunication incurred by all breakers of the Great Charter. As before, he excepted the royal family.²

On the same date Edward took the extreme course of summoning the Archbishop, through the sheriff of Kent, to appear and explain the cause of his neglect of repeated requests to join the Council; a royal safe-conduct, however, was also sent to him. Some days later his brother, the late Chancellor, who had now apparently decided to adopt an uncompromising attitude, was summoned in a similar way.³ According to Muri-muth, Kildesby had publicly slandered the Archbishop at the Guildhall, soon after the King's return, but it was not until February 10 that Edward took official steps to explain his position, with the issue of his famous *Libellus Famosus*. A copy of this pamphlet was sent to sixteen bishops and to eleven abbots and priors.⁴

Opening with an account of the influence and authority which Stratford had exercised, the King went on to declare that it was he who had constantly advocated the

¹ *Exon. Reg.*, III., p. 938.

² Barnes; *Chron. Hemingford* (undated).

³ *Writs of Privy Seal*, quoted by Déprez, p. 359. Safe-conduct, Rymer, 1146.

⁴ Rymer, 1147, gives this letter to the Bishop of London, dated February 10; the copy in Wilkins is dated February 13 (661), and that, quoted by Birchington, to the Prior of Christ Church, February 12.

war, and the alliance with German princes, and that he had undertaken to provide all the money that should be necessary; but the promised subsidy had not arrived—"subtracto nobis, utinam non fraudulentor, sperato subsidio"—and it had been necessary to contract heavy loans and, finally, to return to England. Then Parliament had granted the ninth, for the speedy collection of which Stratford had again promised to use his influence; this, if it had been faithfully and punctually collected, would, in the opinion of many, have gone a long way towards making the necessary payments. Since, however, continued Edward, no supplies had been sent, and his own solicitations had been met with wordy excuses, his friends had strongly blamed him for suffering the insolence of the Archbishop and his friends to go unpunished, and he had, therefore, returned in order to remedy notorious abuses. Removing certain ministers, whom for plausible reasons he suspected of maladministration, subversion of justice, and oppression of his subjects, he had detained in custody others of inferior rank "lest by their cunning the execution of justice should be prevented." In order to obtain fuller information, he had sent for the Archbishop, since it was improbable that any of these matters could be hidden from the knowledge of him "*cui totius reipublicae nostrae administrationem . . . a multo tempore duximus commitendam.*" The letter indignantly set aside the suggestion that any harm had been planned against his person, although "to all, both clergy and laity, his malice has rendered him hateful." Edward strongly blamed him for circulating statements likely to cause disaffection among the people—"quod modernibus temporibus contra justitiam opprimitur populus, clerus confunditur, et ecclesia variis exactionibus praegravetur." He declared also that by the Archbishop's improvident counsel in the early years of the reign, so many prodigal alienations had been made that the treasury was totally exhausted by them,

and the revenues enormously diminished, while debts amounting to great sums had been quite unnecessarily remitted. All this the King attributed to Stratford's corruption, self-seeking and faithlessness in the appointment of unworthy ministers, while, referring apparently to the events of the last few weeks, he declared that many things had been attempted "*in status nostri detrimentum, et dignitatus regiae laesionem,*" for which the Archbishop was directly responsible.

Violent and exaggerated as was the indictment, attributing motives and conduct of which there is no evidence that Stratford or his relatives had been guilty, it contained a foundation of truth. They had undeniably been responsible for the financial arrangements of 1337, and since the Archbishop had himself admitted his share in Edward's fiscal policy, there is little doubt that he had at first supported the war, though probably rather from a fear of seeing his party superseded in office than from any real enthusiasm. The failure of the subsidies has already been discussed; it was to the personal interest of a rival to heap blame upon Stratford. It must be admitted, however, that the latter's negligence and incapacity had again been exhibited in the mismanagement of the last wool-grant of 1340. Moreover, Edward was not unreasonable in expecting that the president of his Council should be able to give some information as to the weaknesses of the administration, while by his present attitude the Archbishop was inviting suspicion. There can be little doubt that grants and privileges had been very freely bestowed during the last ten years, as is witnessed by the case of Molyns; moreover, the Charter Rolls bear the same testimony. A lavish administration was to be expected under Isabella and Mortimer, but during the seven years between 1330 and 1337 the grants and confirmations of various kinds entered upon these rolls maintained an annual average of sixty-five. During the next seven years, from 1338 to 1344, a period in which

the King was asserting his personal authority, the average fell to twenty-nine.¹ Beyond this, it appears from other evidence that, in continuation of a tendency which had appeared in the previous reign, serious encroachments upon Crown rights had been made, in the guise of confirmations of existing charters. It is abundantly clear that Stratford had strongly sympathised with this movement, but he had not, therefore, necessarily deserved Edward's grossest suspicions.

A week later another unusual scene took place at Canterbury, described in a letter from the Prior of Christ Church to the Earl of Huntingdon. Kildesby, "*principalis inceptor discordiae*," arrived at the Priory in the company of some Brabant merchants; having dined at the Prior's expense he withdrew, while the merchants, with two sergeants-at-arms and two notaries attempted to obtain an interview with the Archbishop, declaring that they bore letters to him from the Duke of Brabant. Since, however, he objected to the presence of certain members of the deputation, they all left the Priory, and joined Kildesby in the town. The latter at once made a public proclamation before the Priory gates, summoning Stratford to Brabant as security for certain debts. He also, referring to certain royal letters—apparently the *Libellus*—addressed to the Prior, asserted that the latter "*ne voleynt estre trovez de receoivre les dites lettres*." The Prior describes how, as Kildesby had disappeared before they could make an explanation, "by the advice of the Archbishop and knights and others," he and some of the brothers had in turn repaired to the gate, and had explained to the assembled people that no royal messenger had approached them or inquired for them. He concluded with an appeal for the earl's support against

¹ Cf. *Charter Rolls*, ed. 1803. That the difference was not entirely accounted for by the King's absence abroad is proved by the fact that for the four years, 1341–44, a period during which he was absent only for a few months, the average was twenty-four.

Kildesby; "because we suppose that he will subject us to a charge of disobedience to our lord the King, we pray you most heartily that you will have the kindness to plead our excuse in this matter." Evidently Stratford had a good friend in Huntingdon, his fellow councillor; from other letters it is clear that the earl was corresponding with him, and, referring to the latter's projected visit to Canterbury at this time, the Prior declared "our heart is troubled by causes with which we have already acquainted you, yet we hope that at your coming to these parts we shall be fully comforted . . . all men here, great and small, much long for your presence."¹ Three days later, on Ash Wednesday, February 21, Stratford again preached in the Cathedral; his sermon ended, he caused the King's letters, which had apparently arrived in the meantime, to be read, and afterwards their contents were made known to the people in the mother-tongue, Stratford answering each accusation in order. Finally he warned the congregation to intercede in their prayers for the King, the Queen, and their children, and for the state of the Church, promising all who had heard the sermon, confessing their sins, pardon equivalent to eighteen days' penance. The neighbouring Abbot of St. Augustine's, however, in natural rivalry, on the following day also explained publicly the contents of the same royal letters addressed to himself—"in odium dicti Archiepiscopi, ut sic fieret a cordibus Anglicorum remotus."²

Just at this time, the Bishop of Exeter, a staunch supporter of the Primate, was writing to the Earl of Devon and his companion justices of Trailbaston about to begin their sessions in Somerset, calling their attention to the articles of excommunication and especially to the perils incurred by those attaching or imprisoning a clerk,

¹ Letter Book of Christ Church, Canterbury, II., pp. 226, 231: *Rep. Hist. MSS. Com.*, Vol. IX., p. 85.

² Birchington.

not attainted of felony or confessing it, in cases not suffered by the law of Holy Church; or who should falsely defame and slander clerks, accusing them of felony or trespass with which they were not hitherto defamed, so that by such slander they might be in any wise aggrieved. He required them also to respect that divine law by which men were forbidden to swear in Lent, and to refrain from causing any person to do so in the present session.¹

During the last ten years, the Church had apparently been striving to make good its claims for a fuller clerical privilege than was recognised by English law. Thus in 1334 a parliamentary petition purporting to be made on behalf of "the sheriffs, and bailiffs of hundreds . . . and franchises of the land," had complained that when clerks were indicted before them, and should be attached, the Ordinaries often pronounced general sentence of excommunication against those who should arrest clerks, so that they dared not perform their office.² But not only was the above letter an attempt to enforce the extreme claims to exemption from lay jurisdiction—it aimed by a species of terrorism at obtaining for the clergy freedom from even the whisper of suspicion. Obedience to this mandate would obtain pardon equivalent to fifteen days' penance.

Edward could not endure this. Ten days later he wrote to the bishop, threatening to proceed against him as a rebel and a disturber of the peace unless he withdrew these articles, in which, the King declared, he was striving "to take from us jurisdiction notoriously competent to us, which our predecessors have used," and "to defame us and our servants, to hinder the expedition of our business, and to stir up the clergy and people against us"; while it was imperative for the success of the inquisitions that they should proceed as quickly as possible, the prohibition of making oath in Lent was a

¹ Wilkins, p. 669, February 24.

² *Rot. Parl.*, II., p. 76 (15).

deliberate attempt to delay them.¹ On the same day the Sheriff of Kent received notice to proclaim that the King fully intended to observe the recent statutes, since it was reported that certain persons were circulating reports to the effect that the concessions touching the pardon of debts and other matters were about to be withdrawn. In answer to other false reports, he was also to make known that there existed no desire to enforce payment of the ninth from property already taxed to the clerical tenth. All who felt themselves in any way aggrieved, were invited to make known their complaints in Chancery, where they should find speedy remedy. Since this communication does not appear to have been issued to other sheriffs, it would seem that these rumours had their source at Canterbury.² It would also appear that the Bishop of Exeter had been the first to obey the Primate's orders.

The quarrel had now increased in bitterness. On March 10, in what appears to have been a circular letter to the bishops, Stratford referred to the King's letter as "libellum detestabilem et famosum," dictated by the malice of evil counsellors; he pitied, as convicted of lamentable madness, a son who strove to bring his father into subjection and to subdue one "a quo debet non solum in terra sed etiam in coelis se posse solvi credere et ligari." He declared that his only motive in withdrawing from the Council was fear of the death with which the King's advisers had publicly threatened him—to rely upon the royal safe-conduct was simply to trust himself to his bitterest enemies. "Although," he said, "we are able to answer all the charges against us, yet 'regiae famae parcentes' we have deferred this for the present, until we may do so in fitting time and place, before the King himself and our brother bishops, and

¹ Rymer, 1151.

² *Ibid.*, 1152, March 6. The entry of the sheriff's writ in the *Calendar of Close Rolls* is an isolated instance, and there is no indication that it was sent to any other sheriff.

the peers and procures of the realm." He required that, if the King's letter had been published, these excuses should also be made known to the people.¹

Four days later, Edward appealed to the Pope. After rehearsing the history of Stratford's ministry, very much as in the circular to the English bishops, the King described his own return, and his removal of various officers, "because if they had remained in their offices hardly any one would have dared to testify the truth against them." He also narrated the Archbishop's refusal to join the Council, and his attempts to persuade the people that they were being oppressed by the royal power, "although we desire to govern our subjects with lenity and clemency." Edward explained in conclusion that, because "we are convinced . . . that as long as he presides over the Church of Canterbury, he will not cease to sow discord between us and our faithful lieges," he had charged two confidential agents to report these things, and others touching the peace of the realm, at the papal court; he desired the Pope to hear them favourably, and speedily to provide a fitting remedy for the King and the realm, "*ne per ipsius archiepiscopi moram longiorem in ipso, eius tranquillitas perturbetur et aliis formidandis periculis exponatur.*"² Edward was realising that his appointment of lay ministers had by no means solved the ecclesiastical difficulty, and he was forced back upon the favourite expedient of his predecessors, the attempt to secure the highest dignities in the Church for clerks who were royal officials. Hence he was still striving to obtain papal confirmation for the election of his secretary to the see of York. Ten months before, Kildesby's baronial rival, the Treasurer Zouche, had set out for Avignon, where he had since been urging his case. The Pope, anxious not to offend the King, whose conciliatory attitude seemed still to offer hopes of peace, yet unwilling to appoint a man who bore the reputation

¹ Wilkins, p. 672.

² Rymer, 1152, March 14.

of a persecutor of the Church, hesitated to make a decision.¹ On January 18, 1341, Edward had appointed the Dean of Lincoln and four more special envoys to make representations to Benedict against Zouche "pretending to be Archbishop of York." They were to explain that his claim was made in defiance of the immemorial custom that episcopal elections should receive the royal assent; further, that having served the King in various temporal offices—wherein he had "ministered fraudulently and deceitfully," had "traitorously withdrawn and concealed no small part of the King's treasure and other goods, applying them to his own use," and was suspected of betraying important counsel—he was bound by the customary oath to render account for his period of office, and hence had not been free to prosecute his election at all. Moreover, before this took place he was already convicted of a murder.² Since Zouche had been Treasurer during the whole of 1339, having only been replaced in the spring of 1340, Edward probably suspected that he was largely responsible for the financial delays. Becoming impatient at Benedict's hesitation, the King again referred to the matter in another message, bearing the same date as his complaint of Stratford, in which he expressed surprise that his agents had not yet received attention, and explained his special desire to obtain promotion and preferment for "his dear Secretary, William de Kildesby, Bishop-elect of York." Since Edward evidently dreamed that Benedict might arrange for Stratford's removal, it is even possible that his agents were authorised to abandon Kildesby's claims to York, in return for a papal provision to Canterbury. Such hopes were, however, doomed to disappointment, for at the Pope's death, a year later, the rivals were still urging their claims to the Northern see.

¹ Cf. *Dict. Nat. Biog.*; Zouche, p. 420.

² *Cal. Pat. Rolls*, 1341-43, pp. 109-10. Rymer, 1118, where, however, the letter is ante-dated under March of 1340.

On March 16, the zealous Bishop of Exeter addressed a letter to his diocesan officials setting forth the Church's claims in extravagant phrases, which nevertheless suggest that the ecclesiastical campaign had not been entirely successful. He referred with sorrow to the impiety of the wicked, enkindled even as a fire against Churches and ecclesiastics, which burned the more destructively, "quanto rariores invenit repressores," and declared that he could not with clear conscience overlook the infamy "of certain persecutors of God and His Holy Church." After rehearsing the sentences of excommunication, he explained that certain persons, heedless of these, were presuming to infringe ecclesiastical liberties and rights: "aliqui, clerici ad forum saeculare trahendo, capiendo, incarcerando, . . . et . . . alii clericos et presbyteros coram iudicibus saecularibus falso et malitiose inducendo, et falsa eis crimina imponendo"; others were rushing on with such headlong rashness, that their boastfulness increased in proportion as they brought reproach, loss, and scandal upon Church and clergy. He ordered the excommunications to be published again in the Church of Exeter, during Lent and at Easter "pulsetis campanis et candelis accensis."¹

Writs had been issued on March 3 for a meeting of Parliament in April, but just at this time Stratford, apparently revising his original decision, returned a long and detailed answer to the charges against him,² prefaced with some remarks whose tone seems already out of harmony with the spirit of fourteenth-century England. Beginning with a conventional declaration of the inherent superiority of the priestly power over the temporal, he continued: "Et ideo scire debet Regia Celsitudo, ex illorum vos dependere iudicio, non illos ad vestram posse dirigi voluntatem." After illustrating this with historical examples, he called the King to account for having circulated the *Libellus Famosus* in order that the devotion

¹ Wilkins, p. 672. ² Birchington.

of his suffragans might be turned to contempt, and declared: "It is evident to all from this unthought-of, not to say detestable, deed that the royal power, which according to Solomon proceeds from God, presumes to judge God Himself, in the person of His ministers." Moreover—the King, to the peril of his soul, appeared to condemn unheard his spiritual father, "*parem terrae majorem, non vocatum, non convictum per recordum vestrum, ut vulgaribus verbis illis utamur,*" to the manifest prejudice of all the peers of England. Again explaining that only fear of death at the hands of those chief councillors, "*qui in terra ista sicut tyranni dominantur hiis diebus,*" had kept him from the Court, he protested his readiness to obey the King himself in all things "saving the honour of God and the state of the Church and of our order."

On turning to the defence itself, extraordinarily skilful as it is, the respect which might be extended to Stratford's exalted conception of his office is checked by the constant prevarication which characterises his utterances as a politician. In reply to the suggestion that it was he who had urged a warlike policy, he was able with truth to trace the origin of the French crisis to a period before his own influence had arisen. With regard to the finance of the first campaign, he was still on defensible ground, declaring that conventions had been made in his presence with certain merchants summoned for the purpose, and, not only in his opinion, but in that of others, if these had been observed, they would, with other subsidies granted by clergy and people, and the great customs on wool, have sufficed for the whole war. Moreover, the King well knew that these covenants had not been broken by him, and that the subsidies had not come into his hands. If, therefore, any misfortune had occurred owing to want of money, "*quod nos taedet,*" the fault should be imputed to those who broke the covenants, and misspent and squandered the subsidies, "and not to us, who have

borne the burden of the day." This was certainly a reference to the action of the late Bishop of Lincoln and his fellow-ambassadors, and also hinted that their diplomacy had been ill-judged; more distinct accusations were prevented by the fact that the one was dead, and the others were high in the royal favour.

With regard to the failure of the late campaign he pointed out that the subsidy of the ninth for the first year had been pledged to creditors by the advice of the whole Council, and that Edward had repeatedly urged the observance of such assignments; therefore supplies could not possibly have been sent. The former statement appears to have been inaccurate, while the plausibility with which Stratford glossed over the important fact that the chief cause of complaint lay in the non-payment of these same creditors is surprising. At the same time he omitted all mention of the wool granted in July, 1340, although for the arrangements connected with this, he and his brother had certainly made themselves responsible.

Turning to the events following the King's return, Stratford referred to the seizure of clerks exempt from the judgment of the secular power, and of free laymen, remarking that Edward could not be ignorant how great was the guilt of those who authorised such things, since this had been published by himself and his suffragans throughout the province. He much feared that the present events would turn the people's hearts from the King.

The charges of ingratitude were set aside with affected protestations, but the suggestion that he was exciting disaffection was met by a declaration that his statements with regard to oppressions newly inflicted by the royal power were substantially true. He had always declared Edward's personal innocence, but the fact remained that the people were unjustly oppressed, the Church and clergy borne down by various taxations and tallages,

and, in short, "in these days your people are ruled by new, arbitrary and unaccustomed laws, in such wise that their substance barely suffices for their support, and they are reduced to the last degree of poverty." This was the reply of the constitutional statesman to the plea of military necessity.

Further, Stratford denied that he had published these things with sinister intent, declaring that he had mentioned no one specifically; but, since he was virtually accused of treason, for attempting to stir up sedition, he asserted that in this case no King or temporal lord was competent to judge him, and emphatically denied the authority of any secular tribunal. This was a distinct denial of those claims which the State had hitherto attempted to maintain. He professed his willingness, however, to answer informally the charges brought against him, and proceeded, with a futile quibble, to point out that he had evidently not procured sedition, since the people were "in all things obedient at present."

In reply to the charge of having made prodigal alienations came the skilful assertion that the only donations made in his presence, which he could recall, were those to certain newly created earls, and these he believed to be for the King's advantage and honour. Of excessive favours he remembered none, except the late remission of debts, which was granted with the assent of the whole Council—"ut communitas nonam concederet, . . . nec alio modo consentire voluit ad nonae praedictae subsidium faciendum." The Archbishop's greatest dexterity was called forth in response to the taunt, referring to his own public protestations at Canterbury, that he was not even a good pastor. Since, he retorted, there is none good but God, if in preaching he had made such a statement with regard to himself, it was but to echo the words of Scripture; he was not, and could not be a good pastor, but the King at least could impute it no fault that he had procured subsidies, to the burden of

the clergy. In conclusion he declared that for the present he would make no further answer to the King's pamphlet—"and for the royal honour, would that it had never been written or published."

The circulation of this defence, abounding in studied patronage, and in its way as menacing as the ruder violence of Edward's pamphlet, was unlikely to improve the relations between the King and the Archbishop. On March 31 Edward addressed a second circular letter to the bishops of the province, referring to Stratford's fatuous presumption "*glorians in altitudine status sui*"; notwithstanding the latter's criticism, he urged them to publish the royal explanations, since the Archbishop was striving—"excusationes nostras veras . . . exquisitis machinationibus impugnare." They were also forbidden to permit the issue of denunciations prejudicial to the royal rights and prerogatives, or of any other matters tending to alienate the King's lieges.¹

When on April 23 the long-expected Parliament met the conflicting interests were no nearer to reconciliation. It must have been obvious that Stratford meant to organise a baronial opposition to the ministerial policy of the Court, and to lead an attack upon the King's ministers with the object of forcing him to dismiss them. From his attitude during the last three months, there could have been little doubt that he would fight the battle of privilege and franchise against the encroaching demands of the national State, and would, above all, assert to the utmost the claims of the Church.

Eight earls were summoned to this Parliament, at least four of whom, Devon, Northampton, Huntingdon and Angus, since they had agreed to sit on the special commissions of inquiry, were presumably not strongly opposed to the King's policy. Of the others, the Earl of Lancaster, who lived in retirement, did not attend; Gloucester and Pembroke, if present, were probably

¹ Wilkins, p. 674; Barnes, p. 231.

to be counted upon; while Warenne appears from one account to have led the opposition. The Parliament Roll describes as present at the opening ceremonies four Earls—Arundel, Oxford, Salisbury and Suffolk—to whom no writs of summons appear to have been sent; it again mentions Arundel and Salisbury as members of baronial committees, and unofficial sources speak of them as present.¹ Of the bishops at least five—Chichester, London, Exeter, Durham and Lichfield, the disgraced Treasurer—were certainly firm supporters of the Archbishop, while he could also count upon those of Salisbury, Ely, Bath, St. Davids and Bangor; the attitude of the rest appears to have been non-committal.²

The session³ opened with the usual proclamations, and the appointment of receivers and triers of petitions, but since all the magnates had not arrived, it was adjourned from day to day, until the following Thursday, April 26; then a statement of the business to be transacted was placed before the magnates and commons, who were asked to deliberate separately, and to return their answers on the following Saturday. At the same time general proclamation had been made to the whole assembly, inviting any who felt themselves aggrieved by the King or his ministers to make their petition, and they should have good and fitting remedy; this may possibly indicate a desire to encourage individual petitioning rather than collective action. There appears in the Parliament Roll the bare statement that in order to clear up the discussions which arose upon certain articles demanded of the King by the magnates and commons, the Parliament was continued from day to day until May 3, ten days after the formal opening of the session, when a

¹ Palgrave, *Transcr. P. R. O.*, Series I., V., 19. *Rep. Dignity of a Peer*, IV., 529. According to Dugdale, Salisbury and Suffolk had not returned with Edward in 1340, but both are officially described as present in England in February, 1341 (Rymer, 1151).

² Cf. Murimuth, p. 122.

³ *Rot. Parl.*, II., p. 126.

bill was brought in by the magnates, containing certain requests.¹

Official sources are silent as to the history of these ten days. Stratford's biographer, however, whose dramatic narrative of the wordy encounters between the Primate and the King's friends has been quoted by various writers, gives information which is to some extent reliable.² According to this account, on Tuesday, Wednesday and Friday in the first week of the session, Stratford and a group of bishops sat alone in the Painted Chamber; probably they were engaged in formulating the petitions afterwards presented on behalf of the clergy. On Thursday, April 26, when the King's business was laid before Parliament, the Archbishop had complied with repeated requests to make answer in the Exchequer upon certain points, but had made no attempt to attend the Council. On Saturday, the 28th, he and his two episcopal relatives were by the King's order excluded from the Parliament chamber, Edward and his Council, apparently with some of the magnates, having already taken possession of it. This indignity led to a heated altercation between the bishops and two of the King's intimates, whom Birchington describes respectively as "tyrannus," and "alius tyrannus." The Earls of Salisbury and Northampton succeeded in procuring admittance for Stratford, but thereupon the King withdrew. On Sunday Kildesby and Darcy, the Seneschal, assembled the mayor and aldermen of London, and made known to them various articles of accusation against the Archbishop, which were declared on the following day before "the community of England." On Tuesday, May 1, Stratford took his place in full Parliament among the peers, but the King was not present. Birchington's details here become somewhat

¹ *Rot. Parl.*, II., p. 127. "Fu mys un Bille en parlement par les Grantz de la terre, contenant ascune requestes."

² Birchington.

confused; it may be supposed, however, that several of the bishops had been concerting measures during the past week, and that when other magnates had arrived, the opposition proceeded to draw up the requests which were presented on May 3.

Among the points contained in the "bill" of the magnates then submitted was the request that "peers of the land" might not be required to answer to trespasses with which they were charged except in Parliament. Edward considered this incompatible with the royal authority, whereupon the magnates requested that a committee of twelve bishops, earls and barons might be chosen, with some learned in the law, to consider the matter; no lawyers, however, were eventually chosen, while the bishops included Stratford's warmest supporters. The other members were men who had been giving constant military help to the King, and there is no reason to suppose that any one of them bore personal ill-will to him; but their political theory, like the Archbishop's, was hopelessly out of harmony with that of the royal advisers. The committee reported that no peer ought to be arraigned or brought to judgment except in Parliament or by his peers. Since, however, some discussion had arisen as to whether a peer who had held office should be entitled to the privilege with regard to matters touching his office, they reported further that it should extend to this case also, but agreed that if any peer had been a sheriff or other fermer, or had received any of the King's treasure, he should be bound to account in the accustomed places.

There can be little doubt that the summary arrests of the preceding December had created much uneasiness, and had recalled the events of twenty years earlier, when Edward II had, as Stratford reminded his son, "caused the peers and others of the land to be taken, put some to death, and seized their goods. . . ." If, as the chroniclers report, Wake, himself a member of this

committee, had been among those arrested, he at least had a personal interest in its deliberations, while the seizure of Molyns' lands and treasure must have produced a very bad impression. The wording of the resolution suggests that it was meant primarily to guard against vague charges of a semi-political character, but it involved legal consequences which would have placed the Crown at a serious disadvantage.¹

This report was presented on Monday, May 7, together with some other petitions; on the same day Edward consented to meet the Archbishop, while further petitions were presented to the King by "la Commune de son roialme," described as touching "touz les Grantz et la Commune du Roialme."² These considered first the points in which law and custom had been evaded by the King's present advisers. After reciting the grant of the ninth by magnates and commons "to the great mischief and impoverishment of their state," on condition that the great Charter and other statutes should be firmly kept, the petitioners complained that the points of the Charter had been infringed, and were generally less carefully observed than they should be. This was especially evident in the recent arrest of clerks, peers and other freemen and "gentz d'estat," not indicted, appealed, or sued by party, while others had been arbitrarily ousted from their benefices, and from their lands and goods. They desired, therefore, that the persons imprisoned might be released and stand to law "sanz desormes user tel fait contre la ley et le tenour de la Grande Chartre, et touz autres Ordinances et estatutz." The petitioners also declared it to be the unanimous intention of magnates and commons that the statutes drawn up when the ninth was granted should be strictly observed—otherwise they would pay nothing towards the tax. The prelates were to pronounce sentence of

¹ Cf. Pike, *The House of Lords*, p. 198.

² *Rot. Parl.*, II., pp. 128-29.

excommunication against those who should infringe any of the foregoing acts, and beyond this, persons accused of having violated them should in the present Parliament be brought to answer before the peers. If convicted, they were to receive such judgment and penalty as the peers should award, being also disqualified from holding office in future, while the peers were, further, to provide for the redress of any breaches of these and other statutes.¹ The suspicion as to the non-observance of the recent acts had probably been fanned by those rumours proceeding from Kent which Edward had been so desirous of checking.

In addition to these remedial measures legislation was attempted for the prevention of future aggression. A further article required that important Government officers, as well as those of the Household should be appointed in Parliament; the phrasing is somewhat obscure, but as the petition continues—"et issint soit fait desormais . . . quand mestier serra"—it would appear that the demand involved the immediate removal of the present ministers. The officers specified were the Chancellor and Treasurer, the Chief Baron and Chancellor of the Exchequer, the two Chief Justices, with the chief clerks of the King's Bench, the Seneschal of the Household, Comptroller of the Wardrobe, and Keeper of the Privy Seal; these, with the Chamberlain and all the Justices were on taking office to swear before the peers in Parliament to observe the laws of the land, the Great Charter and other statutes, "according to the Ordinances formerly made upon this."² This is apparently a reference to those articles of the Ordinance of 1311 which had provided for a similar share of the peers in the appointment of ministers, and for the oath of the latter in Parliament, and is in harmony with the desire for the redress of grievances by the peers.³

¹ *Rot. Parl.*, II., 16.

² *Cf. Stubbs, C. H.*, II., 346.

³ *Ibid.*, 15.

The petitions made by the magnates separately had emphasised the same point of view. They asked that the liberties of the Church, the Great Charter, and the Charter of the Forest might be kept in all their points, together with other franchises and free customs granted by the King or his forbears to the peers, to the city of London, and other cities and boroughs, to the Cinque Ports, and to other communities of the land. If any of these had been infringed—"soit declarez en cel Parlement, et par les piers de la terre duement redresez"; if any person, of whatever condition, had come against them—"estoise au juggement des Piers de la terre en Parlement, auxi bien des Franchises usees, come d'icelles que seront ore grantees."¹ The request recalls a similar provision of the Ordinances of 1311 for the appointment of persons to hear complaints against the royal officials, and the demands as a whole were virtually a return to the position of the barons of 1215 and 1258, an attempt to create an oligarchical tribunal as a check upon the Crown itself for the safeguard of privilege and franchise.

Throughout, the guiding hand of Stratford is clearly to be traced. An exactly similar petition for the observance of the liberties of the Church and of all franchises and free customs was put forward by the clergy, in which they requested that "the Great Charter be publicly read and affirmed by a new oath, and that for each point of it there be a certain penalty put upon the sheriffs and others of the King's ministers, and upon the people of the country, if they suffer aught to be done by any against the King's charters."² This desire for a general oath has an ominous appearance, and may even have been suggested by the oath to the barons authorised by the original Charter of 1215. In reply Edward asserted

¹ *Rot. Parl.*, II., 127.

² *Ibid.*, 129, No. 2. "Et que la grande chartre soit publiement leue, et par serement novel afferme, et que de chescun poynt soit certeyne peyne mys sur les viscontes et autres ministres le Roi, et gent du pays, sil soeffrent par nuly rien estre fait contre les leies. . . ."²

his intention of observing the Charters, but insisted that no further security was necessary, while the prelates, who ought not to swear without just cause, should not wish others to be charged with a fresh oath—"qar trop y ad periure en son roialme."

It has been said that the proceedings of this Parliament show "the consolidated national council . . . winning privileges which just a century before the two elder estates had won from Henry III." But while it is true that the commons again joined in petitions on which important legislation was to be based, it must be admitted — that the proceedings of the peers received at the same time an unusual emphasis, and that the temporary victory which resulted was won chiefly in the interests of a baronial and ecclesiastical oligarchy. The early years of Edward III were important ones in the history of the Great Council. For some twenty years the term "peer of the land" had been the usual one by which persons holding of the King by barony were accustomed to describe themselves, although instances of its use by the Crown appear to be rare. There is some evidence that during this period the theory was gaining ground which claimed for the barons by virtue of their barony or "peerage" an inherent right to control the King's Councils—the theory with which the Crown had been contending for a century. The efforts of Edward I "to eliminate feudalism from the sphere of government"¹ have been counted among his greatest services to the country, but they were efforts which his unfortunate successor had signally failed to maintain. The political claims of the baronage had borne fruit in the Ordinances of 1311, and they were elaborated under the leadership of Thomas of Lancaster; a struggle between the Crown and the barons for the control of the chief Government offices had been continued intermittently during Edward II's reign, until it ended with the King's deposi-

¹ Pollard, *Hist. Eng.*, p. 70, cf. Stubbs.

tion. When, after the three years' rule of Isabel and Mortimer, Edward III succeeded in freeing himself, with the help of the prelates and magnates, the Government had fallen largely into the hands of the party represented by Stratford; and Stratford himself after 1333, as primate, claimed that he was "major post regem, primam vocem habere debens."¹ Not until the appearance of the Ordinance of 1338, is there any open indication of the King's desire for self-assertion, and the evidence seems clearly to suggest that the parliamentary proceedings of 1341 were a reply to the active ministerial policy of the last three years, made by the political group which asserted its "feudal" or tenurial rights. This is illustrated by an incident narrated in the *French Chronicle*. Earl Warenne, in complaining of Stratford's exclusion, is said to have asked for an explanation of the presence among the peers of Darcy, Ralph, Baron de Stafford, Parning, Kildesby "et autres nient covenables de seer en parlement," whereupon they had all risen in silence and left the apartment. He had continued—"genz de mester seent icy en parlement que ne deivent estre a tiel counsail, mes soulement les peres de la tere. . . . Et, sire Roy, de ceo devez penser." As a witness to current rumours the account is of some importance, since the writer appears to have been well posted in the gossip of the town; the rumours were, moreover, in the main confirmed by the legislation of this Parliament, while the words attributed to Warenne bear a striking resemblance to those of Stratford's own letters. The reference to Stafford and Darcy is, however, difficult to account for, since the former had been continuously summoned to Parliament among the barons, while the latter had received occasional summons, and represented in the younger line an original house of the Conquest. The feeling expressed by this gossip appears to have had considerable root. Thus a petition of the Commons

¹ Birchington.

in 1343 asked "that the Chancellor and Treasurer be always peers of the land, and others 'sages and soeffis-santz' as has always been the custom . . . and that they be not justices nor intendant upon any other office."

A curious illustration of the attitude of the peers at this time is afforded by a criticism which Stratford's supporter, the Bishop of Exeter, passed in 1338, upon the recently created Earl of Devon.¹ Writing to the Archbishop himself, and complaining of the Earl's boastfulness "inter simplices Devonos, qui alium regem non vident," he continued—"dicit etiam palam, suam ostendendo vanam gloriam, quod par Regis est, et sibi licet leges condere, et de omnibus judicare . . . et, quod dictu ridiculum est, se ipsum sapienciozem regni jactat, et ab eo negocia regni principaliter dependere."² The statement that Courtenay considered himself, as an earl, "par Regis," is interesting, and suggests that the English feudatories were grasping at the substance, as well as the shadow, of the French dignity. Even more curious is the implied contempt of his claim to be a chief counsellor; he was already a greater baron, and since the King had seen fit to make him an earl, his right to the position should, on any feudal theory, have been unquestioned. Since, however, the words were written by a bishop to his archbishop, it is possible that they were dictated by that episcopal exclusiveness which threw an additional difficulty in the way of the Crown. The bishops were strictly entitled to rank among the barons only in right of their temporal possessions or baronies,³ and probably the Crown recognised their presence on this ground, "sicut baroni ceteri." But not only did they form a large, influential, and usually united group in the Great Council—they claimed an added weight for their position there beyond that which was

¹ In 1335, Edward II allowed Courtenay to assume the title of Earl of Devon (Dugdale).

² *Reg. Grandison*, III., p. 294.

³ *Cf. Pike*, Chap. IX.

enjoyed by the lay barons. The same Bishop of Exeter, protesting, after the investiture of the King's son with the duchy of Cornwall, against the transference to the duke of fees held in chief in the county, prefaced his objections with the assertion—"que la substance de la nature de la corone est principalement en la persone du Roi come teste, et en les piers de la terre come membres, qui tenent de lui par certeyn homage, et nomeement des Prelatz."¹ Edward was well aware of the share of the bishops, including Stratford himself, in his father's deposition. But in 1341 he was strong where his father had been weak; he possessed a European reputation as a warrior and a man of action, while from a comradeship of war which stood him in good stead, he had the goodwill of the magnates, and, above all, that of his cousin the Earl of Lancaster.² Hence he was able to meet the crisis with some boldness, and to maintain the right, unquestionably enjoyed by his grandfather, to summon whom he chose to his Councils and to appoint his own ministers.

His answers to the petitions, returned on May 9, were not considered satisfactory, and a second committee was appointed to consider the articles and to report upon them. Owing, probably, to the influence of the Chancellor, and of Parning and Sadington, whose appointment Edward secured, the revised answers ignored the more extreme demands of the original petitions.³ It was agreed that any person acting in contravention of the Great Charter should make answer "in Parliament, or elsewhere where he ought at common law," even though he had acted by the King's personal command, but there was no mention of the exclusive right of the peers to take cognisance of such cases. The claim of the peers to nominate the royal officers in Parliament

¹ *Reg. Grandison*, III., p. 840.

² The Earl of Derby was still a hostage abroad for the King's debts.

³ *Rot. Parl.*, II., p. 129 *seq.*, Nos. 34-41.

was set aside, but it was agreed that ministers should make oath there, that a vacancy in any great office should be filled with the consent of the magnates nearest the King, and that at the beginning of each Parliament these offices should be surrendered, the holders being bound to answer any charges against them, and, if convicted, to submit to the judgment of the peers.

Upon these and other articles statutes were drawn up "by the said magnates and commons," and read before the King; the Chancellor, Treasurer, justices and chief officers of the Household were then sworn upon the Cross of Canterbury to keep them.¹ It is an extremely significant fact that these statutes embodied concessions considerably greater than even the King's revised answers had warranted. The declaration of the peers with regard to their right in all cases to be tried in Parliament was added in its entirety, although the answer to the petition of the magnates had completely ignored it.² In the forefront was placed the specifically baronial demand, which had also been omitted, that in future anything done in contravention of the Great Charter should be declared in the next Parliament, "et par les pieres de la terre duement redressez"; any person guilty of such conduct should be brought to the judgment of the peers, "et issint de parlement en parlement, auxibien des franchises usees come de icelles que seront ore grantez."³ This was to authorise the most objectionable of the oligarchical proposals. Moreover, whereas the King's answers had agreed that those who desired them might freely have writs for the allowance of "the things contained in the time of pardon,"⁴ the statute included also writs for the allowance of all charters, franchises and

¹ *Rot. Parl.* "Et fait a remembar que sur les responses susdites ausi bien a les requestes des grantz come de ceux de la commune et de la Clergie, furent faitz les estatutz sous escritz par les ditz grantz et communes, et montrez a nostre seigneur le Roi."

² *Stat. Realm*, p. 295, 15 E. III., c. 2.

³ *Ibid.*, Art. 1.

⁴ I. e. the "pardon" granted by the Acts of 1340.

free customs. This addition had been included among the original petitions of the magnates, but had, with the preceding articles, been ignored in the royal reply. It involved, as experience was to prove, a considerable concession, virtually taking from the Crown its right to exercise discretion in confirming any private charter. The remaining articles did not differ materially from the King's answers, but the Chancellor, Treasurer and some of the justices, none of whom had been consulted, considered the departures sufficiently serious to warrant a protest, to the effect that they had not assented to the making of these statutes, or to their form, and that they could not undertake to observe them if they were contrary to the laws and customs of the realm, which they had sworn to keep. They were, however, obliged to join with the household officers in the oath upon the Cross of Canterbury—a significant token of the success of Stratford's constitutional campaign. The statutes were then sealed with the Great Seal, and copies of them were delivered to the magnates and knights of the shires. The chronicler, Murimuth, who was summoned among other clerks and officials to attend during this Parliament, gives a detailed account of these concessions, regarding with special satisfaction the demands for the observances, "*ad unguem*," of the Charters and the liberties of the Church, and mentioning the King's hesitation in yielding—"quibus rex juxta privatum consilium suum diutius contradixit"—with his final refusal actually to permit the greater officers to be chosen by the peers in Parliament. The King, however, felt strong enough, not only to protect his ministers, but to set at nought those portions of the recent statutes which were considered detrimental to the prerogative. On June 12 he was considering the advisability of calling together certain magnates in Council, but not until some three weeks later were the writs actually sealed. Five bishops, six earls and sixteen barons were summoned to treat "*super*

quibusdam arduis et urgentibus negotiis nos et statum regni nostri contingentibus,"¹ and it is possible that the meeting was asked to approve a proposed revocation, although not until October 1 was this decision actually made known.

On that day a declaration appeared to the effect that "certain articles expressly contrary to the laws and customs of the realm and to the prerogative royal" were alleged to have been granted by the King in the form of a statute; that, considering his sworn obligation to defend these laws and prerogatives, and desiring to recall what had been done to their prejudice, he had taken counsel with magnates and other experienced men; and that it appeared to them that since the statute "*de voluntate nostra non processit*," it was null and void, and ought not to bear the name of a statute. The King explained that he had only permitted the pretended statute to be sealed under protest and on grounds of expediency, to prevent the dissolution of Parliament in discord, and the neglect of important business.²

There is a strong suggestion that, but for a fear of possible action by the bishops, the extreme step of a formal revocation would not have been taken, although the statute itself would have been ignored. At the end of July, Stratford had summoned a provincial council—a duty which he admitted having neglected for many years—to treat, among other matters "concerning excesses daily taking place in our province." The council was to meet shortly after the Feast of St. Luke, October 18; Edward's revocation of the statute was dated October 1, and on the same day writs were addressed to the prelates about to come together, warning them that it had been withdrawn, and forbidding them to attempt anything derogatory to the dignity and rights of the Crown. The explanation given for this notice was the fact that,

¹ *Rep. Dignity of a Peer*, IV., p. 532.

² *Statutes of the Realm*, I., p. 297.

according to information which the King had received, Stratford proposed in the approaching council to stir up the prelates against him, and to declare certain matters "*circa roborationem dicti praetensi statuti . . . in enervationem . . . jurisdictionis, jurium, et praerogativorum regaliū.*"¹ It is reported that all the bishops but some ten who were Stratford's warmest supporters excused themselves from attending the meeting—a decision which may have been due to the royal warning.² The subsequent attitude of the High Church party, however, suggests that Edward's fears had been fully justified. His recall of the statutes involved an extreme exercise of the prerogative, but the immediate justification emphasised in the revocation itself was based on the theory that, since the King had only appeared to give his consent, the Acts had not really received the royal authority and the law was therefore unchanged. The quibble was an unworthy one, but actually Edward was asserting the constitutional principle laid down by his father in 1322. Parliament had defeated his attempt to legislate by ordinance; he now claimed that the King's consent, no less than that of the magnates and community, was necessary for the validity of a statute.

The personal charges against Stratford had fallen somewhat into the background. On being formally reconciled to the King, he had obtained leave to clear himself before his peers, but Edward had desired that the Government's business might first receive attention, and not until May 19 was it arranged that the Bishops of Durham and Salisbury, with the Earls of Northampton, Arundel, Salisbury and Warwick should hear his answers to the King's charges, which were, if not satisfactory, to be discussed in the following Parliament. But the session had already lasted for thirty days, and the peers, disregarding Stratford's offer to clear himself at once, declared, says Murimuth, that they could not then spare

¹ Wilkins, pp. 680-1.

² Murimuth, p. 122.

time to hear him. The articles drawn up against him remained with Kildesby until, in the following Parliament, he was formally declared innocent of the charges. Edward and his Council may already have decided that his chief fault lay in his political principles, and these they were already engaged in combating. But although the definite charges were not pressed, and in spite of outward reconciliation, there remained a strong latent hostility between King and Archbishop. It has been said that the victory won by the latter produced "a remarkable solidarity between the high ecclesiastical party and the popular opposition," which in turn led to the adoption of an anti-clerical policy by the Crown. The history of this Parliament and of the years which preceded it illustrates the real significance of this; the interests of the Church and of the parliamentary opposition were bound closely together by a common necessity for protecting their liberties and franchises, and by a common desire to maintain that political theory which was embodied in the Great Charter.

CHAPTER IX

THE ATTITUDE OF THE GOVERNMENT AFTER 1340

A.

EDWARD's assertion of the royal prerogative had been no merely empty claim. He accepted his obligation to recognise the Great Charter, and to respect existing liberties and franchises, but he was determined, with the assistance of his chosen ministers, to prevent any further encroachment, insisting upon a similar recognition of the rights of the Crown. A writer has pointed out the importance of the step that was taken in the twelfth century, when "the State began to assert its right to tax, not only its immediate vassals, but all persons living within its territory."¹ Nevertheless, this right was very slowly recognised, and it was one which Edward III had been strenuously asserting since the appearance of the Ordinance in 1338.

Stratford, as the champion of the clergy, had complained that they were oppressed by the royal authority, since contributions were exacted of them which they had not granted. As already shown, in the spring of 1340 he had obtained confirmation by charter and statute of their right to freedom from indirect taxation in the form of purveyance; this had been continually reasserted in the excommunications published since the King's return in December, while the petition of the clergy in the Parliament of 1341 had again insisted upon its recognition, complaint being made especially of the action of royal officials in requiring from ecclesiastics a sworn statement of the goods stored in their houses and

¹ Jenks, *Law and Politics in the Middle Age*, p. 95.

granges. The Government had agreed to the general principle that its servants should not enter the fee of the Church, at the same time making the proviso, which late experience had shown to be an important one, that if laymen stored their goods therein for the purpose of defrauding the Crown, the Church ought not to protect them.

The assessment of the ninth, however, had caused a fresh controversy between Church and State with regard to direct taxation. When the magnates had offered a tenth in the autumn Parliament of 1339, and in the spring Parliament of 1340, the prelates had not joined in the grant. In the mid-Lent session of 1340, however, they had agreed with the earls and barons, to grant the ninth sheaf, fleece and lamb for themselves and for their tenants. The writs of collection specified that the tax was not to be levied from their property which was already included in the clerical tenth.¹ The Government now took advantage of a break in the succession of fifteenths and tenths to revive the claim, asserted in 1307, to tax ecclesiastical lands which, having been acquired since 1291, were not included in the clerical tenth based on the assessment made in that year.² There seems to have been a general belief that the clergy had acquired a great deal of land since the beginning of the fourteenth century. Thus, in an early Parliament of Edward III, a petition complained that the Prior and convent of Laund, in Leicestershire, had purchased large quantities of land which had hitherto been taxed and "taillable," but that since it had come into their possession, the King had had no contributions from it. The petitioners added with characteristic exaggeration: "Et si nostre seigneur le Roy et son conseil ne preignent le plus tost garde, tote sa terre devendra en magne de Religion."³

The Government had, however, considerable difficulty

¹ *Rep. Dignity of a Peer*, I., pp. 310, 312; *Rot. Parl.*, II., p. 112 (6); *Cal. Pat. Rolls*, 1338-40, p. 499.

² *Cf. Stubbs, C. H.*, II., 443.

³ *Rot. Parl.*, II., p. 50 (81).

in proving exactly how much land had been acquired in this manner; in 1338 the justices admitted that there was no record in the Exchequer of all the ancient religious foundations, but maintained that if an abbot purchased new land, and escaped taxation upon it once or twice he was not thereby released from future liability.¹

The intention in April, 1340, had been to secure the taxation of all ecclesiastical lands whatever, either to the clerical tenth or to the lay subsidy. The attempt to assess the lands of abbots, priors and religious in general had, however, caused much indignation, and three months after the grant had been made, it was agreed in Parliament that the collection should be superseded in the case of abbots and priors, and other religious "qui paient lour dismes, et qui ne sont pas somons de venir au parlement";² writs were accordingly issued notifying the collectors to supersede the levy until Michaelmas in the case of those of the clergy who, not having been personally summoned to Parliament, had not agreed to join in the lay grant—since it had not yet been decided what should be done in their case.³

When, upon Edward's return in November, 1340, it was found that, as Stratford himself admitted, little or nothing of the subsidy had yet been paid, it has been shown that although other causes had contributed to the delay, the King bitterly resented the attitude adopted by the clergy. On January 26, with the new inquisitions to ascertain the true value of the ninth in each parish, more drastic steps were taken; not only was the claim to the taxation of exempt lands revived, but the collectors were instructed to levy the subsidy upon all temporalities whatever.⁴ The order was apparently intended to

¹ *Year Book*, 12 E. III., p. 584.

² *Rot. Parl.*, II., p. 119 (17).

³ *Cal. Close Rolls*, 1339-41, p. 613.

⁴ *Cal. Pat. Rolls*, 1340-43, pp. 124-25. *Patent Roll*, 15 E. III., Part I. "Quod que nona predicta generaliter de omnibus temporalibus, tam de illis que in manibus Archiepiscoporum, Episcoporum, Abbatum, priorum et prebendarium, quam aliorum existant, ad opus nostrum levetur." *Cf.* p. 123 above.

secure the assessment of the higher rate upon property included in the clerical tenth, which had before been exempted from their grant by the prelates, but no explanation was given, and it seemed that the Government was about to exact a twofold contribution from the clergy.

Two days after the commissions had been issued, Stratford wrote peremptorily to the new Chancellor, pointing out that the clerical tenth had been granted in January, 1340, only on condition that no further contribution should be required from ecclesiastics while this was current, and that the grant of the ninth in April affected only those prelates who held by barony, and were accustomed to attend Parliament. He, therefore, desired the Chancellor to recall within ten days any writs authorising a charge upon the clergy contrary to the conditions of their grant, and to certify within a week what steps he had taken, declaring in conclusion that it was not, and ought not to be, the King's will to burden them "ultra concessionem suam spontaneam."¹

A few days later the Archbishop also wrote to his suffragans with regard to the matter, insisting upon the condition attached by the clergy to their own grant, and upon the point that the subsequent decision of the prelates to join in the lay grant had not been binding upon any ecclesiastics who, holding nothing by barony, were not bound to attend Parliament. Some persons, he continued, either not understanding this position, or maliciously striving to prejudice the clergy, were exacting the ninth from prelates, religious and secular clerks who were obliged to no such attendance, and had neither been present nor consented to the grant; he therefore forbade the bishops to permit any such exaction in their dioceses.²

¹ Hemingford, p. 368; Barnes, 216.

² "A prelati, viris religiosi, clericisque secularibus, qui et ipsam decimam solvere tenentur, et per baroniam nihil tenent de ipso, nec ad parliamentum suum venire, . . . sunt astricti" (Wilkins, II., 659).

This involved a denial of the claim made by the lay power to tax lands hitherto exempt. On March 6, Edward issued a statement to contradict the rumours that he intended to claim a double share of taxation from the clergy, but did not yield his point with regard to the taxation of lands not included in the clerical tenth, and insisted upon payment of the ninth from all but glebe lands and those held in free alms.¹

On May 9, however, the petition of the bishops in Parliament again complained of the matter, stress being laid as before on the fact that other ecclesiastics were not bound to come to such meetings, had not granted the ninth, and paid their tenths. The King's answer showed that the Government realised the point at issue. It agreed, in the form "*il est avis aux grantz*," that the taxes should be paid as they had been granted, namely, that those of the clergy "*qui tiegnent du Roy par baronie, et doivent venir au parlement par somonse*" should pay the ninth, while others holding nothing in this manner, who "*ne sont pas accoutume destre somonse au parlement*," should pay the tenth; but it added that if men of religion had possessions purchased and appropriated, not taxed among their other temporalities to the accustomed tenth, they should in accordance with equity, pay the ninth from such temporalities.²

During the following months those abbots, priors and heads of religious houses who were not personally summoned to Parliament obtained writs to the collectors superseding the levy in their case, while some who had actually received such summons from time to time, took the opportunity of denying their liability to attendance, on the ground that none of their lands were held by baronial tenure. Thus, the Abbot of St. Augustine's, Bristol, claimed that, although he held nothing of the King in chief, and his house was not a royal foundation, he had been summoned since 1336 "*et huiusque praetextu*

¹ Rymer, 1152.

² *Rot. Parl.*, II., pp. 128, 130 (32).

summonitionis ad huiusmodi parlamenta et concilia multipliciter et indebiter gravatus extitit." His petition was granted,¹ on condition that he and his successors gave their assent to the election of proctors to attend Parliament for the clergy, and contributed in the customary manner to their expenses. Similar exemption was granted to the Abbot of Thornton, to the Priors of Sempringham and Spalding, to the Abbots of Beaulieu and Oseney, and, after careful inquisition as to the nature of his tenure, to the Abbot of Croyland; but, in the case of the three last, no reference was made to the election of proctors. The Crown in all cases distinctly asserted its right to tax property acquired after 1291, and hence not assessed to the clerical tenth.²

The immediate point of dispute with regard to the ninth was a temporary one, but it involved others of some importance in the history of Parliament as a representative assembly. It has been pointed out that the clerical complaint implied that at the Parliament which granted the ninth the religious "did not appear by any representative in whose election they had concurred"; while the royal reply suggested that the assembly "had power to charge them in respect of possessions not included in the clerical tenth."³ The abbots and priors had always shown great reluctance to attend the royal councils, and since 1314 the Crown had addressed a separate letter to the Archbishops, requesting them to enforce the "*praemunientes*" clause which required the attendance of proctors for the clergy, but including also *the Abbots and priors of their province*. This provincial letter had been issued for the Parliament in which the much-disputed subsidy was granted.⁴ The High Church party, however, led by Stratford, saw in

¹ Rymer, 1158; *Rep. Dignity of a Peer*, IV., p. 528.

² Rymer, 1158; *Rep. Dignity of a Peer*, IV., 528, 533, 538; *Cal. Close Rolls*, 1341-43, pp. 198, 217, 269, 270; *Cal. Pat. Rolls*, 1340-43, pp. 243, 337.

³ *Rep. Dignity of a Peer*, I., p. 312-13.

⁴ *Ibid.*, IV., p. 518.

this question of attendance at Parliament a final bulwark against the encroachments of the State. By the assertions that ecclesiastics who held nothing by barony were not bound to come to such meetings, and that they had not been present in the Parliament of 1340, he was virtually denying the claim of the Crown to summon or to assume the presence of the religious in general. On the other hand, the Crown, by the proviso that those whose exemption was recognised should assent to the election of proctors, was maintaining that they were to be included among the clergy whose presence was assumed under the "*praemunientes*" clause.¹ It was bound to make this claim, not only in the interests of taxation, but as a final means of asserting its authority over the clerical body, which seemed desirous of shaking off, one after another, the restrictions of the lay power. At the same time the test of baronial tenure on which Stratford relied was not fully accepted as deciding the right of the Crown to exact personal attendance at Council; the answer to the clerical petition in 1341 had referred to an obligation to attend in the case of those holding by barony, while others were spoken of as merely "not accustomed to be summoned." In a similar spirit, the release given to the Abbot of Beaulieu and his successors stipulated "*nisi eorum praesencia ob aliam causam necessaria fuerit vel opportuna.*"

The extraordinary taxation since the beginning of the war had raised a difficult point with regard to the position of those higher clergy who were actually summoned to Parliament among the barons. It was uncertain whether in their clerical capacity they could claim freedom from all but distinctly clerical taxation—the original demand of the High Church party—or whether, as members of the body which made a grant, they were bound by its decision. The latter principle seems, however, to have

¹ This may help to account for the fact that in future the Provincial Letters were not issued.

been recognised by several abbots and priors who petitioned for relief from the payment of wools on the ground that they had neither been present in the Parliaments which made the grants, nor were the writs directed to them presented in due time, whereby they should be bound to pay the wools then granted. In 1341 the Archbishop, six bishops and seven abbots and priors denied their obligation, when summoned to explain in the Exchequer why they had not paid the portions of wool exacted of them."¹ Stratford, who owed forty-five sacks, was being pressed to make answer there concerning these during the first week of Parliament; he declared that his evidences were not yet prepared, so that his defence can only be conjectured. The Bishop of Chichester, however, had in the spring of 1340 asked and obtained exemption, on the ground that he had been present at neither Parliament in which such grants were made; in his case, as in that of several abbots and priors who were also released, there was attached a special clause of grace or explanation, as—"the King had considered that the wool of the bishopric is coarse and of small value"—a constitutional pronouncement being avoided.² But it would seem, from reference to "gifts" of large quantities of wool by Chichester and the Archbishop that a compromise was arranged.³ In 1341, upon a petition of the magnates and commons that all religious persons holding by barony might in the present wool-grant "be charged with the community," the point appears to have been settled. This decision, with that concerning the taxation of exempt ecclesiastical lands, represented a technical victory for the State, and in 1342 an attempt appears to have been set on foot to settle by inquisition the vexed question as to the lands

¹ *Exch. Mem. Roll*, K. R. 117, *Records*, Easter Term.

² *Cal. Close Rolls*, 1339-40, p. 349; *ibid.*, 1337-39, pp. 592, 607, 608.

³ *Ibid.*, 1341-43, p. 610. *Exch. Mem.*, K. R. 118, Writs to Bns. Easter Term, m. 39 d.

acquired since 1291.¹ In this matter, however, Stratford was practically victorious, and under Richard II the Crown was still endeavouring to enforce its claim.²

As already pointed out, the Government fully realised that prescriptive exemptions were claimed by wealthy laymen, and in their case also it took the opportunity offered by the subsidy of 1340. The same practical difficulty probably helped to account for the serious delays which took place. In the summer of 1341, a year after the grant had been made, the collectors in Berkshire reported that more than a quarter of the amount they had assessed was "in manibus debitorum." In Cambridge and Huntingdon almost a third was still wanting, while accounts of large sums in arrears were received from other counties.³ In July of this same year, in the case of a new wool-grant, the Council ordered the assessment of those lands of prelates, religious houses and magnates which had not yet been assessed to the fifteenth, because the collectors doubted "whether they ought to levy wool of such manors and lands which have not been assessed before these times."⁴ The inquisitorial policy of the Government in this connection was further displayed in the following November. Information had been received that "various towns, hamlets and parcels of towns . . . which were formerly exempt from all tallages, taxation and subsidies by reason of the ecclesiastical liberty, now because they are demised to laymen, are taxed with the community of the realm, and have been for a long time, but no answer has been made to the King for what has been levied thereof." The Exchequer officers were, therefore, ordered to make inquisition into the facts of the matter since the beginning of the present reign.⁵

An extreme instance of the Council's temper at this

¹ *Exch. Mem. K. R.*, 119. ² Cf. Stubbs, *C. H.*, II., p. 443, note.

³ *Exch. Mem. Roll, K. R.*, 117, Views of Accounts.

⁴ *Cal. Close Rolls, 1341-43*, p. 187.

⁵ *Ibid.*, p. 317.

time is afforded by its challenge of the claim made by the Abbot of Cirencester to the tallage of that town. This revived a similar suit begun in the Exchequer by Edward II, who claimed the tallage collected in 1312 "ut ius suum spectans ad coronam Angliae," while the Abbot appropriated it under a charter of Richard I granting the manor in free alms to the Abbey. After long discussion in Exchequer and Parliament, Edward II had admitted the claim, and confirmed it by charter, but in 1342 the Crown lawyers sought to withdraw this, on the ground that, in making the concession, the King had been deceived as to its value. They even declared that the abbot was liable, not only for the tallage of 1312, but for those of 1215, 1253 and 1295. Fifteen years later, however, the suit was still undecided.¹ In view of the previous inquiry as to the value of "the tallage of all England," it is perhaps possible that this had been meant as a test case to decide the right of the Crown in such circumstances.

In the treatment of local liberties a similar policy is to be found. Under Edward II the Barons of the Cinque Ports had been freed from all liability to taxation, in return for their maintenance of a fleet and coastguard. The exemption had been expressed in general words, but was probably meant to be a territorial one, applying only within the bounds of the districts in question. In the first Parliament of Edward III, however, for the settlement of dissensions among the inhabitants, it was agreed that all persons claiming to be of the liberty should contribute to the maintenance of its shipping from all their property as well within as without its bounds, and that this property should be freed from all other burdens. A personal franchise was thus introduced in accordance with the tendency already apparent in the case of the clergy. In 1340 seven townships in Sussex petitioned that many men of these ports, who had

¹ *Exch. Mem. Roll*, 118. *Records*, Easter Term.

acquired lands in the body of the county since the grant of the triennial fifteenth, refused to contribute to the tax from them, thus throwing the whole burden upon the community of these districts. Three months later, however, the Barons of the Ports in general obtained royal writs superseding for the present the collection of the fifteenth and tenth from all their property, until their charters could be inspected.¹ In the Parliament of 1341 they renewed their complaints, and since zeal for the protection of all liberties was then at its height, their claim was recognised, being discussed, however, "non absque magna difficultate."² When the men of the Cinque Ports proceeded to claim their exemption at the Exchequer, it was decided that "quia non constat curiae qui sunt huiusmodi barones, et se advocantes de libertate illa," in the Crown's interest an inquiry should be made before any further steps were taken. Inquisitions were held during 1342, as a result of which lists of those persons entitled to exemption by virtue of the liberty were carefully enrolled.³ A similar course was taken in the case of the Stannaries, when in 1338 some "poor men" of the county of Devon complained that wealthy persons had "made themselves newly Stannary men," in order to enjoy the consequent exemption from taxation. Here too inquiries were set on foot, the names of those anciently entitled to the privilege being enrolled at the Exchequer.⁴

In its attempt to tax the liberty of the Bishop of Durham, the Government met with a check. Five hundred sacks of wool had been assessed upon it in 1337, but the purveyance was not permitted there; when the tax received parliamentary authority in the spring of 1338, the bishop had been asked to call together the magnates and community of his liberty, to place the

¹ *Exch. Mem. Roll*, L. T. R. 113, Writs to Bns. Mich. Term, m. 7.

² *Ibid.*, Writs of Trinity, m. 6 d. *Cal. Close Rolls*, 1341-43, p. 97.

³ *Cf. Nonae Rolls*, pp. 394-403.

⁴ *Cf. Cal. Pat. Rolls*, 1337-40, p. 71.

royal necessities before them, and to persuade them to grant half their wool.¹ Shortly afterwards, apparently in accordance with the clause in the Ordinance of 1338 revoking all exemptions from taxation, an effort was made to levy the fifteenth and tenth from the northern liberties. In 1339 the collectors accounting at the Exchequer were asked if they had taxed the goods of the men of the Bishop of Durham's liberties between the Tyne and Tees and those of Hextildesham and West Tynedale; they replied that the lords had neither permitted their men to come before them nor cared to make the taxation, asserting that the commissions did not extend to taxation within these liberties "quae vocantur regales, ubi breve regium non currit." Upon an examination of the Exchequer Rolls, it was found that the men of Hextildesham and West Tynedale were taxed in the twenty-fourth and twenty-fifth years of Edward I, and that the latter were also taxed in his thirty-fourth year. The bailiffs were thereupon ordered to permit the taxation to take place, while further search was instituted to discover "how the men of the liberty of Durham have hitherto been accustomed to be taxed."² Not until 1342 was the question decided, when the bishop, summoned to appear in the Exchequer and explain his reason for not appointing collectors in accordance with the royal instructions, denied all liability, declaring that the men of his liberty had not granted the taxes, and had never hitherto been charged to pay anything with the community of the realm.³ Evidently with reference to the Bishop's firmness in this matter, his biographer records of him that he ruled his diocese "in tranquillitate competenti, caeteribus partibus Angliae contributionibus et angariis multipliciter fatigatis."⁴

In spite of its inquisitorial policy, the Government can

¹ Kellawe's *Register*, Vol. IV., p. 225.

² *Exch. Mem. Roll*, K. R. 117, Records of Hilary.

³ Cf. *Cal. Close Rolls*, 1341-43, p. 610, November 4, 1342.

⁴ W. de Chambre, *Wharton*, I., 765.

scarcely be said to have deserved Stratford's charges of harshness and tyranny, for throughout this period it displayed a real concern for the condition of the classes included under the general description of "the poor," and a not entirely interested anxiety that the rich should not escape taxation at their expense. The form of assessment to the fifteenth and tenth expressly relieved from contribution all persons whose goods did not exceed ten shillings in value, or, in the case of communities paying the tenth, six shillings; these probably represented the very poor, but there seems to have been a large class above this which was actively conscious of unfair treatment. A vernacular poem complains that—

"A man of 10 poundes worth god is bid to 12 pans rounde,
And also much paieth another that poverte hath brouht
to grounde;

The pore is thus i-piled, and the riche forborn."¹

Again, advising that the King should treat various officials with severity, the writer adds—

"Swich mihte finde him i-nouth, and let pore men have pes."

The Government seems fully to have realised this feeling; thus, the commissioners entrusted with the array of men-at-arms and archers in Yorkshire, Nottingham and Derby in 1339 were directed to levy nothing for the expenses of the contingents "from the mean people, who are in manifold wise depressed by unbearable burdens, owing to the unjust oppressions of the ministers, and various other causes."² The limit of liability was fixed at £5 annual value of lands and ten marks' worth of chattels—the £6 13s. 4d. represented by the latter being well on the way to the £10 which the poet apparently regarded as denoting a comfortable position. When, upon the grant of the ninth sheaf, fleece and lamb, a

¹ *Camden Soc. Political Songs*, ed. Wright, p. 335.

² *Rot. Orig.*, 98, m. 61.

fifteenth was required from the non-agricultural classes in the shires, it was expressly stated that "it is not the King's intention that by this grant . . . the poor cotters, or others who live by the toil of their body, be comprised in it, but that they be discharged by the advice of those deputed as taxers."¹ The writs of inquiry concerning the behaviour of collectors of the ninth, issued in the autumn of 1340, had expressed the Government's indignation because, it was said, owing to the extortions which were practised, many men were "compelled by necessity to desert their own places, and seek their food from others' distribution."² When in 1341, Parliament had agreed that prelates, magnates and others refusing to contribute the wools assessed upon them should forfeit a double portion, the Council decided that payment should be enforced before Michaelmas, and the collectors received notice to exact this from all persons known to be "devites et potentes"; all those, however, "quos scire poteris mediocres et simplices existere" were to be acquitted of the penalty whenever they had made their payment.³

In the matter of general administration, the thoroughness of the Government's policy is illustrated by its instructions to the justice of North Wales for the holding of an inquisition into the true value of all lands, lordships and offices granted there since the King's coronation; this plan was adopted owing to the receipt of information to the effect that many persons had obtained land there by concealments and false returns into Chancery. Similar measures were taken in Ireland, where inquisitions were authorised, to discover "how many ministers are intendant upon the King's business in that land," and to furnish full information as to their duties and salaries.⁴

¹ *Stat. Realm*, 14 E. III., 1, c. 20.

² *Cal. Close Rolls*, 1339-41, p. 585.

³ *Exch. Mem. Roll*, K. R. 118, Writs, Easter Term, m. 42; cf. *Cal. Close Rolls*, 1341-43, p. 516.

⁴ *Cal. Pat. Rolls*, 1340-43, pp. 206-7.

In this case an actual revocation of all grants had been proclaimed, whether made by Edward II or by the present King; the grantees, however, charging the unfortunate official to whom its execution was entrusted with having maliciously procured the order, brought about his imprisonment in Dublin Castle.¹

B.

The most unpopular result of the royal policy was seen in the commissions of Trailbaston which had been issued shortly after the King's return; they opened a period of four years during which similar inquiries were constantly being held in different parts of the country. On December 10, 1340, fifteen groups of commissioners had been appointed, but since a group was in some cases responsible for several counties, it was, in spite of the King's wishes, impossible for the inquiries to be completed very speedily, even in a perfunctory manner. The Northamptonshire session had apparently not yet begun in the following November, for the commission was then reissued, not all the original justices being included; a month later these same commissioners were appointed to sit also in Bedfordshire, while in April, 1342, the commission was reissued in Somerset.² In the majority of cases, however, the session was begun before, or during, the first week of Lent, 1341.

The scope of the inquiries was so wide that very few could feel secure from indictment, even though they had held no office, while the suspicion that as much importance was attached to their financial as to their remedial aspect caused even greater irritation. The original writs had laid stress on the duty of hearing and determining offences, but at the beginning of February, the Justices received

¹ *Cal. Close Rolls*, 1341-43, p. 367. *Ibid.*, 1343-46, p. 19.

² *Cal. Pat. Rolls*, 1340-43, pp. 363, 364, 453.

notice to accept fines up to the sum of 2000 marks from all who wished to make them. A chronicler declares that they proceeded in so arbitrary a manner "that none escaped unpunished, whether he had managed the King's business well or ill," and that all, even those neither indicted nor accused of any offence were obliged to pay heavy ransom if they wished to escape prison. The latter statement is obviously an exaggeration, while the germ of truth which it contains refers to an abuse traceable, not to the royal justices, but to the leading members of the shire-courts.¹

Among the other petitions in the Parliament which met in April, complaints were made concerning the special commissions for the arraignment of the arrested justices and others, and also concerning the issue of these general commissions "d'enquer des autres diverses pointz de Eire generalx," on the ground that such commissions had not been granted hitherto without the consent of Parliament.² This statement is curious, since, although during some years of the thirteenth century similar inquisitions appear to have had a statutory basis, the King was certainly entitled to order an eyre "when and where he pleased";³ but it is possible that the petition referred to a precedent which had been set in 1328, when an unsuccessful attempt had been made, under the authority of a statute, to hold an inquiry similar to the present one.⁴ Further complaint was made that the justices assigned had put the persons convicted before them to very grievous fines, without regard to the quality of their offence, and were enforcing extreme penalties of fine and seizure of lands against all "fraunks," lords of towns, and others who did not appear, whether or not they were resident in the county. The latter complaint was the old one which had been

¹ Cf. Chap. X. below.

² *Rot. Parl.*, p. 128 (14).

³ (1) Hall, *Studies*, p. 297. (2) Maitland, *Const. Hist.*, p. 138.

⁴ *Stat.* 2 E. III., c. 7.

made in 1258; the power of amercing for neglect of the common summons had in 1259 been expressly reserved to the justices in eyre,¹ but the difficulty in 1341 arose from the fact that the inquiries were held simultaneously in widely separated counties. Parliament now desired that the above commissions might be withdrawn, that illegal acts of this kind might be redressed, and that, if the King wished to issue "autres commissions droitureles," with the assent of Parliament, according as he felt himself aggrieved by his ministers, there might be assigned lawyers and others of each district "who have knowledge of the bearing and condition of the officers in different parts." In most cases, lawyers had actually been included in the commissions, but the desire for the inclusion of local men represented a tendency which the Government was most desirous of checking. The answer agreed that the commissions should be examined in the King's own presence "devant les Grantz et certeyne persones des communes," and that anything irregular or questionable might be amended by the advice of his Council.

A further schedule of requests touching these "Grandes Commissions" appears in the same roll, having perhaps been drawn up as a result of the above reply. Introduced by the words "il semble as Grantz et as communes," the points suggested included—the immediate suspension of all articles of inquiry, excepting those touching the King's ministers, the export of uncustomed merchandise, the provision of a remedy for non-residents and "malades sans fraude," if maliciously empanelled by the sheriffs and certain others specified; permission for accused persons to challenge their indictors, constantly included in the inquest on which they placed themselves; permission for persons upon whom fines were assessed in their absence, if unwilling to pay the portion assigned to them, to answer at common law, before the same justices

¹ Cf. *Sel. Charters*, Pet. of Bns., p. 384 (13), and p. 404.

or elsewhere; the assessment of fines made "par comunitez de ministres en gros" upon individuals according to the quantity of their trespass, and not according to their wealth; and the grant of writs of supersedeas until the next Parliament to all persons put in exigent to be outlawed for matters not touching felony or breach of the peace. The requests were not unreasonable, and upon two of them the Council at once acted; before Parliament dispersed, the justices received notice to supersede all exigents except in the cases specified above, and to discharge of the common fine those who desired to clear themselves at common law.¹ But no steps were taken to limit the scope of the inquiries.

The additional articles touching felonies and breaches of the peace, as they were the most universally felt, were probably among the most unpopular. The royal policy with regard to these had indicated much indecision, and the results were somewhat confused. Thus, on December 16, 1340, the justices of Trailbaston in Lincoln, Leicester and Northampton had been authorised to hear and determine all felonies committed since July, 1338, the limiting date coinciding with that of the pardon of all fines and amercements. A month later, it was apparently decided to ignore this date; the Treasurer Parning, the Earl of Northampton, and two other justices received a similar commission, but extending to the whole of the present and the late reigns, for nine southern and midland counties. After three weeks had passed, this selfsame commission was entrusted to Parning with five other justices. Before the end of February this wider commission had been given to five groups of the justices of Trailbaston for thirteen other counties. Not until October was a similar commission issued for Northumberland. But there was still some hesitation, instanced in December, 1341, by the issue of a commission for Staffordshire in the form of those originally issued, replacing

¹ *Cal. Close Rolls*, 1341-43, p. 143.

the limit of July, 1338.¹ It is possible that the extension of inquiry beyond this date had contributed to the rumours of an intention to abrogate the statutes of 1340; evidently the Council wished to evade that clause which included in the pardon "all issues to be adjudged in future," even if arising from offences committed before the specified date.

Neither these inquiries, nor the original commissions of Trailbaston appear to have included contemporary offences, for special commissions of Oyer and Terminer were constantly being issued during this period in different counties. During 1342 further inquiries were set on foot locally to deal with various matters, such as the unlicensed export of wool. In East Anglia and the eastern maritime counties, for instance, such inquisitions were held in the late autumn of this year with regard to the import of false coin, contraband trade with the Scots, recent piracy at the expense of the King's allies, and all offences touching wools and evasion of the customs. Separate commissions were issued in the same districts authorising an exhaustive inquiry into the alleged bribery of the King's agents, and the desertion of shipping arrested for the King's service, "whereby . . . his business was retarded and spoilt."²

When next Parliament met, in the spring of 1343, reference having been made early in the session to the rumoured oppressions and grievances suffered by the people during the King's short absence in Brittany, and to the difficulty in maintaining the law, the magnates and commons were asked to give advice as to the best remedies to be adopted.³ The Commons are said to have suggested the election of justices in the present Parliament, who should be sworn before themselves and the magnates, and should receive commissions "to

¹ *Cal. Pat. Rolls*, 1340-43, pp. 107, 108, 202, 204, 328, 336.

² *Ibid.*, pp. 318, 319, 547, 585, 592.

³ *Rot. Parl.*, II., pp. 136 *et seq.*

go to the counties where need be"; the articles of inquiry were first, however, to be approved by magnates and Commons. The nature of the articles they had in mind is not specified, but these appear to have been strictly limited, for they added that all other matters could sufficiently be determined in the King's Bench, Court of Common Pleas, and before the justices of assize.

The Council proceeded to draw up a long list of inquiries, headed by the statement that justices should be assigned "to inquire, hear and determine the points below, for the profit of the realm, and for the keeping of the peace and the maintenance of the law." The articles were probably much more inquisitorial than the Commons had anticipated; they related more especially to contemporary offences, but in some cases were scarcely less wide in their scope than the original commissions of 1340. Inquiry was now authorised into all manner of felonies, maintenances and conspiracies, attacks upon the King's justices and breaches of the peace, while all the chattels of fugitives and felons due to the Crown since the general pardon were to be ascertained. The inquisition also included all offences whether of officials or private persons in connection with wools, contraband trade and false money; all concealments touching the late subsidy of the ninth and all wilfully neglected commissions.¹ Other articles were afterwards added to these, providing for inquiry as to lands held in mortmain without licence, and those held in chief by the clergy—evidently with reference to the pressing question of their taxation. Parliament agreed to this form of inquisition, but the Commons complained of neglect of the agreement of 1341 superseding the process of outlawry, "against the law and custom of the realm," in cases other than those of felony and breach of the peace. In spite of this, the Crown, less compliant than in 1341, maintained

¹ *Rot. Parl.*, II., p. 137 (12).

that the exigent should issue if necessary in the case of persons accused of dishonesty in the collection of customs and other forms of revenue, thus refusing probably much of what the Commons had in mind.¹

A petition appears to have been made at the same time for the issue of general commissions for the survey of weights and measures; this was in accordance with an Act of 1340 authorising the assignment of several persons in each county to receive presentments in this matter, and to hear and determine offences. An attempt had already been made to enforce it, and commissioners had been appointed in several counties during the spring of 1342, and in the early months of 1343.² The request was also made that the Crown would provide suitable wages for the justices now to be assigned, "so that there be no occasion to take aught from those who have affair before them"; such payment, carefully graded according to rank, had already been allowed in the case of the commissioners appointed in December, 1340, but not, apparently, until January, 1342, and since they were in some cases put to expense in providing their clerks, the temptation to exact various fees must have been considerable.³

Commissions in accordance with the arrangements now made were drawn up in the following July for eight counties, with the proviso that "we do not intend to prejudice commissions of Oyer and Terminer made at another time, but such shall remain in force." At the same time articles were inserted providing for inquiry into false returns made by escheators, as well in the time of Edward II, as in the present reign, and concerning archers who had deserted from the array.⁴ In February, 1344, the commissions were repeated in four of these

¹ *Rot. Parl.*, II., p. 140 (34).

² *Stat. Realm*, p. 285. *Cal. Pat. Rolls*, 1340-43, p. 446. *Ibid.*, 1343-46, 72.

³ *Cal. Close Rolls*, 1341-43, pp. 333-34.

⁴ *Cal. Pat. Rolls*, 1343-45, p. 97.

counties, and were also issued in one or two other cases, while at the same time in sixteen counties commissioners of weights and measures were appointed. In some cases, inquiries were again authorised into all felonies, as well in the time of Edward II.¹

These inquisitions, unlike the earlier ones, were entrusted to royal justices, no magnates or great men being assigned. Since the policy of the Crown appears to have been continuous throughout, the suggestion arises that the advice of the community had been asked rather as a means of conciliation or to obtain its assent, than for any practical purpose. It is borne out by the fact that when Parliament met a year later, an urgent petition was made that the new commissioners, "who determine so harshly, by outrageous fines and ransoms, more to the destruction than the amendment of the people," might be superseded;² the Commons complained also of abuses attributed to the commissioners of weights and measures, renewing their petitions concerning the outlawry of persons not accused of offences touching the peace. The Council agreed to the recall of all the commissions, but stipulated that suits still pending touching felonies, contraband export, and concealments of the King's goods should be determined in the King's Bench "or before other suitable justices to be assigned by the King." In July the justices received warning in accordance with its decision,³ but the promise was practically evaded by this proviso, for in November several of the same justices were commissioned afresh, not only for the above purpose, but in order to inquire concerning offenders still unpunished.

In sharp contrast with the policy of the Crown are certain strongly marked reactionary tendencies which were brought into prominence in connection with these inquisitions; one of these was the desire of the Church,

¹ *Cal. Pat. Rolls*, 1343-45, pp. 242, 287. ² *Rot. Parl.*, II., p. 148 (1).

³ *Rot. Parl.*, II., 149. *Cal. Close Rolls*, 1343-46, p. 449.

already mentioned, to loosen the trammels of lay jurisdiction. Under the Archbishop's leadership, the High Church party had adopted a policy of determined hostility towards the inquisitions. Its attitude in this matter had been revealed in Stratford's proclamations and in the Bishop of Exeter's proceedings during the "spring of 1341. In the Parliament of this year the bishops' petition contained a request that the justices should be forbidden to issue writs for the arrest of clerks accused before them, but should be bound to apply to the Ordinaries for their delivery. The Council replied with truth that the process was allowable by the law of the land, and had been used from time immemorial.¹ The Crown's attempt to take cognisance of the shortcomings of ecclesiastical officials was especially resented, hence another article complained that the King's justices were accroaching to themselves jurisdiction contrary to the law of the land and of Holy Church, in the matter of extortions and oppressions alleged to have been committed by archdeacons and others. The claim of the State was a tentative but a very necessary one, and one in which the Council probably felt sure of much general support. Stratford, however, was firm on this point, and succeeded in obtaining a declaration, which was also embodied in a statute, of the principle that ecclesiastical officials should not be compelled to answer before the King's justices, or any others of his ministers for any cause touching the jurisdiction of the Church.² Shortly afterwards the Bishop of Exeter, in acquainting his diocesan officials with this decision, explained that "at a consultation of the Archbishop, certain other bishops and ourself upon this matter, the King caused answer to be made publicly that such things proceeded in no wise from his intention or with his connivance or

¹ *Rot. Parl.*, II., 130. Cf. *P. and M. Hist. Eng. Law*, I., 130, 441, 446.

² *Rot. Parl.*, II., 129, 130; *Stat. of Realm*, p. 296.

knowledge," and that he had promised writs of super-sedeas in all such cases.¹ Whether or not this actually represented Edward's personal attitude is uncertain, but clearly his advisers were unwilling to surrender the claim of the lay power to remedy the notorious abuses of the spiritual courts. The repeal of the statute in October, 1341, left the matter again open, and the Council continued to press its claims. In September, 1342, the Sheriff of Devon, who had been associated with others to hear and determine oppressions and trespasses in four southwestern counties, was cited by the Ordinary together with a colleague, his sub-sheriff, and a coroner, to make answer for their share in the outlawry of three beneficed priests, one of whom was the bishop's commissary. The sheriff having, perhaps with design, anticipated the day appointed for him, came informally to the Bishop of Exeter, declaring that he had never willingly consented to the outlawry of clerks in such case, but that frequently "cum de hiis faciendis coram concilio Regis tractatus haberetur, dixit et asseruit in presencia eorum de concilio de jure regni advocari non posse"; in spite of this, he had been enjoined, on pain of extreme forfeit, to carry out their instructions according to his commission. To the bishop's question whether he thought the King's command and authority could protect him from the excommunication, he replied that it could not, and therefore he had sought absolution. This was granted, on condition that he would continue to declare publicly "in concilio Regis et alibi" that such process could not be justified.² His colleague, John de Sobbury, himself a clerk, ignored the summons, and was excommunicated. Shortly afterwards a royal writ called upon the bishop to explain his action, "for it is not consonant with justice that any should be impleaded in Court Christian because they duly carry out our mandates."³ In the middle of

¹ *Exon. Reg.*, Vol. II., p. 949, August 1, 1341.

² *Ibid.*, p. 960.

³ *Ibid.*, p. 964.

October he was present at the Great Council summoned before the Keeper of the Realm in the King's absence, when he procured the discussion of the whole question. After careful consideration by prelates, magnates and "per legis peritos," decision was finally given to the effect that the process instituted by Sobbury and his companions against ecclesiastics was neither just nor proper, and that by the law of the land outlawry did not lie in this case. Thereupon writs superseding all processes begun against ecclesiastical persons for excesses in connection with their jurisdiction were sent to the justices then sitting in Somerset and Devon, and to others as necessity arose.¹ The ecclesiastical source from which this information is derived probably gives an exaggerated impression of general agreement in favour of the clerical claims, but the important fact remains that the decision was obtained at a critical period in the Church's history, and the great controversy of 1341-42 may not have been without its effect upon the mind of the youth, John Wycliffe.

At the same time a very ominous feudal tendency was revealed in a movement for the confirmation of private charters with an interpretation adapted to new conditions, but highly unfavourable to the Crown. This movement appears to have had its roots in Edward II's reign, but the evidence of 1341 indicates that it was one in which the bishops and other ecclesiastical lords took the lead. In October of this year a writ to the Exchequer declared that although the King and his predecessors had granted to the prelates and magnates of the realm that they might have all the fines and issues forfeited by their tenants before any royal justices, it seemed to the Council that fines made by the King's ministers for their trespasses towards himself, as for the concealment of his goods, ought to be reserved to

¹ *Exon. Reg.*, Vol. II. Cf. Wilkins, 710. *Cal. Close Rolls*, 1341-43, p. 680; cf. pp. 96, 223, 255.

his use. The officials were therefore warned to exact all such issues, "aliquibus cartis huiusmodi non obstantibus."¹ Stratford, however, declared that the fines made by his tenants before the commissioners now assigned pertained of right to him, and claimed sums of £219 and £27 arising from this source with which his bailiffs were charged in Kent and Sussex. His example was followed by his brother of Chichester, by the bailiffs of Queen Philippa in those counties, and apparently by other magnates elsewhere. In May, 1342, the Council ordered that no such allowance should be made until further deliberation had taken place.² When in the October of this year a Great Council was held—that one in which the bishops made good their case against lay jurisdiction—this matter was also brought forward, and there resulted the decision that "such exactions made upon the prelates of the realm for fines and amercements which they claim be superseded"; the Council reserved its right, nevertheless, to give further consideration to the matter.³

It appears, however, that the Crown had already yielded ground which it would have great difficulty in regaining. Thus in the spring of 1341 the Abbot of St. Edmund's claimed various fines made in Chancery, as pertaining to him under royal charters granting him such issues in his eight and a half hundreds in Suffolk. On being asked by what charters and in what words such a grant had been made him, he declared that in 1317 Edward II had fully confirmed a charter of Henry I granting freely to the abbot and convent the soc of these hundreds, with all royal jurisdictional rights, although at the time of confirmation "ipsi vel eorum predecessores libertatibus predictis vel earum aliqua usi non fuissent"; in future they were fully to use and enjoy

¹ *Exch. Mem. Roll*, 118, Writs, Mich. Term, m. 7 d.

² *Ibid.*, Writs, Trin. Term, m. 4 d. Records of Mich. Term.

³ *Cal. Close Rolls*, 1341-43, p. 662.

them. Moreover, because the abbot was prevented from receiving certain fines on the ground that they were not expressly mentioned, Edward II had at the same time granted that he and his successors might receive all fines and issues, as well of the tenants of others within these hundreds as of their own, in whatever royal Court they were adjudged, and for whatever cause. Beyond this, the present King had also confirmed these charters in the fourth year of his reign, expressly declaring that *although the abbots had not enjoyed these liberties in the past* they should in future do so. At the same time these rights had been distinctly specified, as covering in the widest sense "*omnimodas forisfacturas.*" The Exchequer officers were obliged to admit the confirmations, but alleged various equitable objections, declaring that the fines in Chancery which he claimed,—including not only one of £5 made by a collector of the fifteenth and tenth, but various others for licence to alienate and similar matters—were not contemplated by the words of his charters; they were royal rights, pertaining to the King himself in right of the Crown, and only to be granted by express words. In spite of this no immediate decision was given; the suit was adjourned from time to time, and twelve years later was still undecided. An exactly similar claim was made by the Abbot of Ramsay, while the Bishop of Ely was also appropriating fines made by the King's ministers.¹

In the spring of 1338 the Bishop of Chichester had obtained a full confirmation of his charters; in the following September, when the question of the collection of all forfeited issues in arrears was being discussed, he had procured a writ for the allowance of all the privileges contained in these, covering in the fullest sense the profits of justice of whatever nature within his lands and tenements.² His claim was essentially similar to

¹ *Exch. Mem. Roll*, 113, L. T. R., Precepts of Hilary, m. 4 *et seq.*

² *Ibid.*, Records.

that of the abbot, and to one made, probably at the same time, by the Archbishop himself, who desired *licet prefatus archiepiscopus seu predecessores sui libertatibus et quietanciis predictis seu earum aliqua hactenus usi non fuerunt*, that he might enjoy, among other exclusive privileges, the receipt of all fines made by his tenants in Chancery, Exchequer, in any other royal court, and even before the justices in eyre. These were to be raised in all cases by his own bailiffs, without the intervention of any of the King's ministers.¹ In Stratford's case also no decision appears to have been reached.

It is noteworthy that a petition of the Commons in the Parliament of 1343 desired that some remedy might be provided, since "the King has newly granted to certain lords franchises which are annexed to the Crown, as forfeited chattels, issues, amercements, and view of frank pledge," and their bailiffs exacted unreasonably high issues "to the destruction of the people." In the following Parliament which met in 1344 one of the considerations urged by the Commons, in their request that the inquisitions might be superseded, was the fact that "fines, issues and amercements fall more to the advantage of the lords of franchises than of the King";² the statement is an interesting sequel to the vigorous writs to the justices of 1338. That these extensive claims were possible indicates a serious weakening of the royal authority since the end of the thirteenth century, when, owing to the vigorous policy of the Crown, the ancient words *soc* and *sac* and their companions had yielded little "beyond the proceeds of a few minor offences," and the higher jurisdictional privileges were possessed by only a few. In 1321 the magnates and Commons had petitioned in Parliament that their rights to the forfeited issues of their tenants might be duly allowed

¹ *Ancient Correspondence, P. R. O.* Vol. XXXVIII., 141. The Bishops of Norwich and Bath made similar claims (*Mem. Roll, K. R.* 119).

² *Rot. Parl.*, II., pp. 141, 146.

according to their charters, but the Council insisted upon strict precautions being taken "since there are many more liberties of this kind in modern times than hitherto." The claim of the ecclesiastical lords in 1341 was virtually one for such an interpretation of their charters as, renewing their force under the old system, would have deprived the Crown of all rights and profits of jurisdiction within their territories.¹

¹ For the position in the thirteenth century, cf. *P. and M. Hist. Eng. Law*, I., pp. 576-77 *et seq.*, 582. Cf. *Red Book III.*, 970, for petition of 1321.

PART III

CHAPTER X

SOME EVIDENCE RELATING TO THE INQUIRIES

WITH regard to the offences of which the persons arrested in December, 1340, had been accused, evidence is, in the majority of cases, almost entirely lacking. Some at least were still imprisoned when Parliament met in April, 1341, and among the petitions of the Commons was a request that they might be released. Since the Government had justified its action by reference to an Ordinance issued in the Parliament of July, 1338, providing for the summary arrest of ill-doers, and the Ordinance was expressly repealed in a statute drawn up by this Parliament of 1341, it is possible that shortly afterwards most of the prisoners were set at liberty.¹ Although a chronicler asserts that Molyns was condemned to perpetual imprisonment, there is no evidence that he was recaptured; it was not, however, until 1345 that he obtained formal restitution of his manors and lands. Four months later he received a full pardon for himself and his wife, but concerning merely such vague offences as the receipt of "felons and enemies of the King." In 1347 he was for the first, and only, time summoned to Parliament among the barons.²

Writs had been issued on February 28, 1341, to all the justices of Trailbaston requiring them to send into Chancery without delay all the indictments made before

¹ *Rot. Parl.*, II., 130 (27). "If anyone has been taken by the King's command, it is for just cause, according to the Ordinance made at the Parliament of Northampton" (*Stat.*, 15 E. III., c. 3).

² *Chron. Melsa*, III., 47 *et seq.* *Pat. Rolls*, 1343-45, p. 548 (Dugdale).

them concerning the thirteen prisoners—evidently in order that definite charges might be obtained upon which the commissioners appointed to arraign them might proceed. No returns to these writs appear to exist, and the evidence on this point to be gleaned by an examination of the Assize Rolls which record the proceedings of these justices in twelve counties is extremely scanty.

A private letter written in the autumn of 1340 asserts that "the places in the King's court are not well managed, the King pays too much, and the people are ill-served in those parts,"¹ but the absence of evidence suggests that the judicial body contained on the whole no very serious offenders. Justice Willoughby is said to have been arraigned "at the bar at Westminster" by six persons, Wake, Stafford and Darcy having apparently been associated with the three justices, Sadington, Scot and the Treasurer Parning, deputed to try him.² The charges against him were summed up in the statement that he had "*vendi les leys come boefe on vache*," but he objected that he ought not to be tried without indictment or suit of party, and that the "*plusours billes*" which were produced were not affirmed by pledges in the usual manner. The community of Nottingham accused him of having extorted large bribes from persons indicted concerning trespasses of the forest, for delivering them from prison; this he explained by stating that they had been in custody for a long time, and that with the consent of the then Chief Justice, Scrope, he had allowed them to make fine—"because otherwise the King would not have had anything." He denied charges of bribery made by the community of Lancaster, but apparently attempted also to evade them by concentrating his defence upon another charge against which he was sure of judicial support, namely his practice of arranging privately with

¹ *Hist. MSS. Commission*, Vol. IV., p. 193. (Part of an unsigned letter to some one high in office abroad.)

² *French Chronicle*, p. 88; cf. Pike, *Year Book*, Mich., 14; Hil. 15; Introduction.

the indictors to include them in the jury to which the accused appealed. Finally he threw himself upon the King's mercy, but was not at first set at liberty on main-prize, being taken to different counties in order to answer separately the charges made locally against him.¹ Of such indictment the only records which appear to exist occur in Essex, where Willoughby and a companion justice—not among those now arrested—were accused of various forms of extortion during their sessions at Colchester, as by the exaction of fines from accused persons for allowing them to be admitted to bail, and by the receipt of bribes from litigants before them. One or two circumstantial cases are given. Thus they are said to have taken £2 from the Abbot of Coggeshall, and £5 from another suitor.² But the charges do not appear to have been followed up, so that it is uncertain whether or not they were justified. In January, 1341, the Sheriff of Leicester had been asked to send at once to Westminster all the indictments of felony and trespass in their county touching Willoughby or his men; he replied that no such indictments had been made, while the bailiffs of Leicester reported only a charge of homicide and assault against some of his serving-men.³ Willoughby was obliged, nevertheless, to pay a fine of 1500 marks.⁴

Charges of extortion had also been made in Hertford against Justice Shardelowe, another of the prisoners, and in Somerset against John Inge, who, as justice of assize and gaol delivery, was reported to have taken money on numerous occasions from litigants and accused persons for favouring them. Inge admitted all the charges, making fine of £40 "for these and all matters touching his office."⁵ These cases appear to have been exceptional, and within two years all four judges who had been dismissed were replaced in office.

¹ Pike, *Year Book*, p. 258.

² *Assize Roll, Essex*, No. 258.

³ *Coram Rege Roll*, No. 323; *Rex. m.* 16 d.

⁴ *Cal. Pat. Rolls*, 1340-43, p. 229.

⁵ *Assize Rolls, Herts.*, No. 337, m. 8 d.; *Somerset*, 770, m. 9 d.

Even less evidence is obtainable with regard to the five imprisoned clerks. An isolated presentment in Lincolnshire states that a certain Agnes de Somerville could not obtain a writ of seizin from Chancery until she had given £5 to John de St. Paul and £2 to Michael de Wath. The dismissed Chancellor of the Exchequer, not among these five, was accused by an Essex jury of having obtained a writ of Oyer and Terminer by conspiracy, but he denied the charge, and was acquitted by the jury on which he placed himself.¹ It would seem that the disgrace of the Chancery and Exchequer officials, like that of the judges, was primarily a political one.

Concerning two of the four prisoners who held no office, John de Pulteneye and William de la Pole, the evidence is more interesting. John de Pulteneye had been Mayor of London in 1331, 1332, 1334 and 1337; his friends, Simon de Swanland and Reginald Conduyt had also filled the office in 1330 and 1335, and Conduyt had been a sheriff during 1340. These three men appear to have incurred much unpopularity, and to have given ground for much suspicion in the matter of petty embezzlement of the City funds, which must have appeared especially objectionable since two of them refused to contribute to taxation. A certain Henry Wymond presented² a long list of charges against them, especially concerning Pulteneye, whom he accused of various forms of extortion in connection with the staple of wool in London, which he had procured "par sa seigneurie et par la covyne du dit Reynald, pur lour singuler profit, a graunt damage du Roy"—and in the matter of certain local charges and contributions, such as the murage. With conscious public spirit, Wymond complained "come un de la Communalte," that Pulteneye had kept back over 1000 marks of this last "a son profit demeigne," but that owing to his

¹ *Assize Rolls*, Lincoln, No. 521, m. 10 d.; Essex, No. 258.

² *Ibid.*, 552, Middlesex. "Brevia de preceptis in Itinere R. Parning et sociorum suorum, et diversae billae per Dom. Reg. et concilium suum captae . . ." m. 44.

influential position, none of the community dared take steps against him; in the same way Reginald Conduyt "retint le dit custume de morage devers lui a son profit demesne" during the two years in which he was Mayor, "et nul lui osa contredire, par ceo quil fut meyntenu par le dit Johan de Pulteneye." Moreover, when the present King "fist faire les justes en Chepe," in the mayoralty of Pulteneye, the latter exacted a contribution from the community, to which the plaintiff gave £1, "et cum cele coillette il festa le Roy et les grauntz de la terre, et lour dona grauntz douns, entendant le Roy et les grauntz . . . que le dit Johan avoit fait les custages del soen propre." An interesting petition to the King from "vos simples genz de Loundres," complained that when a certain sum was to be raised for the King's use, the taxers and collectors in each ward raised double the sum from "simple men" and spared the rich, who paid nothing to the King; the money thus collected had, they believed, been divided among the mayor and aldermen and others of their covyne, in deceit of the King and his people. And when a complaint was made to the mayor and recorder, the latter "lequel fust celu par Sire Johan de Pulteneye, que nuls chose en serra fait saunz son consent . . . enbesilla la dite pleynte." Of this same recorder they complained: "Lequel Roger a purchase deniers, terres, rentes, et tenementz de les deniers nostre Seigneur le Roy et de son poeple, et a acroche a lui graunt Tresor, et ne voet ayder au Roy de ceo en sa grande besogne." An interesting comment upon the zeal displayed by the Parliament of this year for the confirmation of all liberties and charters is offered by the final petition for remedy, because "la fraunchise que est graunte en Londres nest mye pur commun profit, car le miere, aldre-mans, et autres de lour covyne en ount tout le profit de la Citie."¹

These petitions help to explain the fact that the eyre

¹ *Assize Roll*, 552, Middlesex.

which had begun at the Tower was brought to an abrupt close. According to Murimuth some difficulty arose with regard to the allowance of certain liberties which were claimed, and a tumult took place, so that the session had to be adjourned, being finally abandoned. He adds that when the King heard that the disturbance had been caused by persons of the meaner sort, he pardoned their offence. In March, however, writs had ordered the justices at the Tower to take steps for the discovery of those persons who were said to be forming sworn confederacies to maintain each other against the proceedings of the eyre,¹ and it is probable that the general pardon given to the City on June 3 was prompted by other considerations than those suggested by the chronicler.²

The prisoner upon whom all eyes must have been turned was William de la Pole. He was known to be the wealthiest merchant in England, and he it was who, with Reginald Conduyt, had been chiefly responsible for the management of Edward's wool transactions in Brabant, and who had acted as chief receiver of these wools at Antwerp and Dordrecht. His fortunes had risen with those of his native town of Hull; he had been its first mayor, and had represented it in Parliament four times since 1332. He and his brother Richard had lent important financial support to Mortimer's Government, and after an interval of a few years, William entered into close financial relations with that of Edward III, lending large sums of money from time to time.³ In 1337 he had received an assignment of all the customs in Kingston and Boston, for the payment of various debts, including one of £4000, "touching the furtherance of some secret business"; in 1338, in return for £6000 with which he agreed to help in the expenses of the French expedition the King granted him various manors in Nottingham and

¹ *Assize Roll*, 552, m. 4. Murimuth, p. 118. Cf. Pike, *Year Book*, Mich. 14; Hil., 15 E. III., Introduction, p. 45.

² Cf. Rymer, 1162.

³ Cf. *Dict. Nat. Biog.*

Yorkshire, with the lordship of Holderness, the arrangement being admittedly a sale.¹ In the same year he was made a Knight-banneret, and during the autumn he advanced, or became bound for, sums amounting to £18,000.² When by the action of the ambassadors in the spring of 1338 Edward became bound in large sums of money to the merchants, for wools taken from them, Pole and Reginald Conduyt had apparently been responsible for all the arrangements, and Pole's appointment as Second Baron of the Exchequer in the autumn of 1339 was made apparently to secure his assistance in dealing with the large number of indentures connected with the transaction rather than as a reward for his services. His letters of appointment specified that he was "also to supervise the payment of bonds";³ on October 28, after his return with the Archbishop, the Exchequer officers received notice that, since many merchants from whom wools had been received, were prosecuting their business connected with these, and it would be necessary to examine the indentures carefully, 299 such bonds, delivered into Chancery, were being forwarded to the Exchequer.⁴

It was just at this time that Edward was urging the Exchequer officers to examine Pole's own account, but this order was neglected; in 1340 both King and Parliament were suspicious of him, and in the Parliament of 1341 petition was again made that a committee might be chosen to audit the accounts of all those who had received Government money and wools in England and abroad. Edward agreed, stipulating that the Treasurer and Chief Baron of the Exchequer should be among them, but no such commission appears to have been appointed. This incident forms one of the landmarks in the development of the right of Parliament to audit the royal accounts, but it must be admitted that although magnates and

¹ *Cal. Pat. Rolls*, 1338-40, p. 495. *Dict. Nat. Biog.*

² *Cf.* Rymer, 958, 988.

³ *Cal. Pat. Rolls*, 1338-40, p. 394, September 26, 1339.

⁴ *Exch. Mem. Roll*, K. R. 116, Mich. Term, Writs to Bns. m. 21.

commons were completely masters of the situation, no steps appear to have been taken to give practical form to the newly acquired privilege.¹

On the quinzaine of Easter, 1341, however, the inquiry had begun in the Exchequer. Pole was brought by the Constable of the Tower and Conduyt was attached by the Sheriffs of London.² The original agreement of 1337 having been shown to them, they were asked to proceed with their account according to this, but they pointed out that they could not do so, since the agreement had broken down and different arrangements had been made. They offered, however, to account for the receipt of the first 10,000 sacks, although they could give no information with regard to the purveyance of these. The greater part of the Trinity term appears to have been spent in argument upon technical points touching the legal position, but on June 25 Pole produced a writ, dated May 18, 1339, in which the King, in consideration of the good services which he and his brother had rendered, released all actions and demands which he might in future have against them by reason of the contract of 1337. The Court naturally objected that he should have produced this writ at first, but little could be done, although there had obviously been room for considerable fraud; the rate of payment for the wools purchased from the merchants had apparently been left entirely to the discretion of Pole and his brother, and the Crown had no means of checking the profits that had been made, or of ascertaining how much Pole and his assistants had actually received.

The King's sergeants then declared that, beyond the 10,000 sacks, 5000 were also carried abroad at the same time; this the defendants denied, and it was decided that an inquisition should be held. As the result of this, on July 23 a jury of merchants, mariners and others who

¹ *Rot. Parl.*, II., 128 (12), 130 (38). Cf. Stubbs, II., p. 597.

² An account of the process is in *Exch. Mem. Roll*, K. R. 116, Mich. Term Records m. 21.

had gone abroad with the fleet, and had been at Dordrecht when the wool was landed, testified that 2500 sacks had been exported beyond the 10,000 and at the same time; they added that, since only Pole's brother John and Conduyt had been acting as receivers of the consignment, they must have known of, and could have prevented, any losses which occurred. It was subsequently discovered that these additional sacks had not formed part of the King's wools, but had been exported privately contrary to the Government prohibition, and moreover, without payment of custom. The accused had been liberated on bail, but on October 22 both were recommitted to prison; in November Conduyt was released, but Pole apparently remained in the Fleet prison until in May, 1342, he found mainpernors in the Earl of Suffolk and Ralph Nevill. His lands and goods had in 1341 been confiscated. The Exchequer process was adjourned from time to time until the summer of 1344, when Pole and Conduyt petitioned that although it had not been proved that they personally had exported the 2500 sacks, they were being charged with £27,362 as their value, forfeited to the King. A royal writ to the Exchequer in that year explained that the King had charged certain earls, barons, and others to call together the justices and other skilled persons of the Council, and to inquire into the whole process; they had done so, and had come to the conclusion that the defendants were unjustly charged in the matter. Therefore the treasurer and barons were ordered to annul the proceedings. It was insisted, however, that the accused should make oath that they were ready to account for all the other wools and money which they had received, and that they would use all their diligence in helping to detect those persons who had exported wools in defiance of the prohibition made at the time of the original contract.¹

¹ *Exch. Mem. Roll*, K. R. 116, Mich. Term, Writ to Bns. m. 21; cf. *Cal. Close Rolls*, 1343-46, p. 409, August 1344; also *Rot. Parl.*, II., 154.

Thirteen years later the King declared in a writ to the Exchequer, reciting this decision of 1344, that he had since heard that in the report which had led him to annul the process, he had been greatly deceived; an attempt was then made to renew the proceedings of 1341.¹

Evidently the suspicions concerning Pole and his friends had in 1341 been deep-rooted. A petition delivered by the men of Kingston-on-Hull attributed various fraudulent practices to Robert de Denton, late Comp-troller of Customs in the port, and declared that "le avant dit Robert a este consaillour et menour de William de la Pole plus que quatorze ans, et consaillour de Johan de Pulteneye plus que trois ans, issint que toutz les choses que les avant ditz firent fuist de conseil et del ordenaunce de . . . Robert. Et hom dit qe les avant dit Robert de Denton et Johan de Pulteneye ont este compaignons graunt temps en toutz maneres de marchandises." Among other charges, they declared that Denton had been in Brabant in 1338, and had actually delivered back to certain merchants whose wools were arrested 3000 sacks, for a consideration of £4 on each to his own use. Moreover, as an officer of the customs, "il embla fausement du Roi la costume de tantz de leynes come furent chargez en 16 niefs," by the connivance of John de Chesterfield, a clerk of William de la Pole. He was also accustomed to falsify his entries, for which he took a great sum of money, and appears to have been concerned privately in contraband trade.² Denton and Chesterfield had been appointed by Pole as his attorneys for the management of all his business in England.³

The general suspicions with regard to the export of uncustomed merchandise were probably exaggerated by the fact that Edward was making private arrangements with exporting merchants by which they paid the custom

¹ *Exch. Mem. Roll*, as above. (Notes subsequently added to the original proceedings.)

² *Coram Rege Roll*, No. 323 Rex. in. 16, m. 21.

³ *Chancery Warrants*, f. 250, No. 11385, November, 1338.

to him abroad, and had letters of acquittance;¹ this defence was made in Yorkshire to several charges of having evaded the customs, but in such cases proof was required that the acquittance had not been used to cover more than the specified exports.² There can be little doubt, however, that the customs were frequently evaded in a most flagrant manner. In the autumn of 1339 a writ of Privy Seal declared that the King had been informed, "que Thomas le Botiller, nadgairs, au temps qil avoit loffice de tronage es partz de nostre Citee de Nicole et de Seint Botulph, soeffrist charger es ditz portz et passer as parties de decea la mer plus de mill saks de leine saunz coustume paier, chaceant son propre gaigne en celle partie, en deceit et graunt damage de nous." Thomas had been arrested abroad, and apparently admitted the charge, but asked to be set at liberty, and that his lands and goods might be taken into the King's hand instead. To this Edward agreed, "parce qil nous semble bien reson que nous serions servi du notre et de ce que a nous doit resonablement appartenir en ceste partie, devant touz autres, meement come le dit Thomas estoit notre ministre au temps qil nous fist les avantditz fausine et damage."³ Apparently it was not until several years later that a definite penalty was agreed upon for such cases of dishonesty among customs officers.⁴

Inquisitions held in Suffolk during 1341 into this question of uncustomed exports appear to have produced a considerable number of indictments against private persons, although the amounts in each case were usually small, not exceeding a few sacks.⁵ Similar inquiries in Essex revealed a very great many cases of export contrary

¹ Cf. *Cal. Close Rolls*, 1339-41, p. 533, September 25 *et passim*.

² *Assize Roll*, York, No. 1141.

³ *Chancery Warrants*, f. 260, 12438, November 15, 1339.

⁴ In 1351, it was agreed by King and Council,—“parce que le Roy est deceu de sa coustume par faux poys, et nulle punissement nad este sur ce fait”—that the tronour, if convicted of fraud—“sur le fait eit iuggement de vie et de membre.” (*Parl. Proceedings*, f. 7, No. 24.)

⁵ *Assize Roll*, No. 859, Suffolk.

to the royal prohibition, and threw much light on the causes of the scarcity of wool reported during 1339 and 1340; in these cases the jury frequently declared their ignorance as to whether custom had been paid, but many presentments of contraband trade occurred. John de Rattlesden, who had represented the borough of Colchester in almost every Parliament since 1330, was said to have been prominently concerned in this; thus in the winter of 1340 he had a ship loaded at Colchester with uncustomed goods, and containing also 200 woolfells, belonging to one John Edward, for which John de Rattlesden took two marks in name of custom, "ubi non erat custumator." The receipt of fees of this kind by persons who possessed ships appears to have been a common occurrence, payments of £3, £5, and even £14, being recorded; occasionally the customs-officers are mentioned as conniving at the practice. On one occasion Rattlesden's ship is said to have been arrested by the officers appointed to make scrutiny at the ports, but the latter were so threatened by him and his servants that they dared not perform their office.¹

Some light upon the general condition of the local administration is to be obtained from several of the assize rolls recording the presentments made during the inquisitions of 1341 and 1342. The evidence is, however, very fragmentary, and is chiefly to be found in the rolls for Lincolnshire, Nottingham and Somerset, although those of Suffolk, Essex, Hertford, Buckingham and York yield scattered pieces of information. The evidence is in most cases chiefly interesting as illustrating the attitude of local juries, representing the rural communities. There appears continually the suggestion of an underlying sense of injury and discontent, while their suspicion of all persons concerned in administration is frequently instanced. Thus, a Lincoln jury declared that "William Frank, Knight, took of the community

¹ *Ancient Indictments*, Essex, f. 22, m. 12, etc.

of the county in the eleventh year of the present King 2000 marks in name of victuals"; the charge sounds an extremely serious one, but an entry in the Close Rolls of 1337 show, that the money had actually been granted by the community of the county "for their discharge for having victuals which the King had ordered them to provide there for his use." William Frank and another had been appointed to assess and levy the contributions.¹

The presentments in Lincoln, Nottingham and Somerset suggest that the rumours with regard to extortion in the collection of taxes were not entirely unjustified. The juries, however, are concerned only with the conduct of the collectors towards themselves, and no information is obtainable with regard to the fate of the contributions when once collected.

A presentment in Lincolnshire declared that when the Abbot of Bardney was one of the chief taxers, he took "per incrementum de omnibus villatis," of some twenty shillings, of others ten shillings, five shillings, or a quarter-mark, "secundum quod villae fuerunt magnae seu parvae," besides twelve pence for acquittance (or receipt) of each, "per duo vices solutionis," and "for ingress and exit," two pence, "to the damage of the said vills of 200 marks and more, in the tenth and eleventh years."² Other juries in this county declared that John Bret, a deputy collector of the triennial grant in Holland took from the townships by extortion "beyond the taxation granted to the King £15, and for each acquittance, twelve pence, to the great oppression of the people." Many presentments are confused, but he is said in some cases to have taken "for each pound of the fifteenth, twelve pence beyond the sum," and for acquittance, three shillings.³ They presented also that Roger de Wolsthorp, a taxer in 1332, exacted £4 from the town of Stamford for receiving its tax-rolls, "and in that year in the ports of Kesteven, he took commonly a mark for receiving the rolls";

¹ *Cal. Close Rolls, 1337-39*, p. 83.

² *Ass. Roll, 521*, m. 15.

³ *Ibid.*, m. 16, 17.

another jury, giving the case of Stamford in more detail, described the £4 as paid by Stamford "citra pontem," while Stamford "trans pontem" assessed at £10 to the fifteenth, gave him £2.¹ Little evidence appears in this county with regard to the conduct of the sub-taxers in their own villis. It was said, however, that those in Leek, collecting the triennial tenth, and also "other mises in the town in the same years," raised £10 "more than of right they ought to have done, by extortion, and this came to their own use, and not the King's"; in 1339, those in Swineshead took £5 beyond the due portion.² Only two cases of evasion are recorded: John de Bolingbroke was said to have in Lindsey, in the town of Haynton, five carucates of land and 1500 sheep "for which he would never give a tax to the King, charging the community of the town"; John de Trehampton had, it was reported, three carucates and 500 sheep in the town of Blyton, "and for six years would not give a tax to the King, in burden of the town." Both these persons were rich landowners in the shire.³ A picturesque illustration is given by one jury, who said of John de Colleby, clerk of the chief taxers in 1336, that when he was sitting at Grantham, in the house of Agnes de Reneb, to collect and receive the tax, he used to choose twenty shillings "de grossioribus denariis," for weighing the money of the townships which came to him with their taxes. One William Pilete came on the Friday after All Saints with thirty shillings of the first payment of the tax touching his town, which John received "per pondus denariorum suorum electorum, ita quod deficiebat dicto Willelmo de summa sua septem denarios"; John was accustomed to do this in his time in the case of all the other townships.⁴

In Nottingham more detailed presentments are made, with regard to the conduct of the chief collectors in 1332, John Power and John de Bolingbroke, who are said to

¹ *Ass. Roll*, m. 17, 14.

² *Ibid.*, m. 10 d, 16.

³ *Ibid.*, m. 11.

⁴ *Ibid.*, m. 19. *Cf.* a similar case in Ruding, *Annals of the Coinage*, I., 211 (occurring in 1331).

have taken several shillings by extortion in each of several towns, one jury adding, “et sic de singulis villatis in comitatu secundum maius vel minus, cuius quantitatem penitus ignoratur.” Another jury mentioned twenty shillings taken in this way, and declared, “sic ceperunt de qualibet villata priusquam patria posset deliberari,” while others making exactly similar general presentments, added that the money thus taken was “ad usus suos proprios.”¹ The Retford jury itself declared that the town had to pay as much as £3 in this way, with half a mark for the taxers’ clerk, and the men of Newark wapentake and Brokestowe, describing similar exactions, agreed in declaring “sic ceperunt de omnibus villatis in toto comitatu.” It would seem that the collectors of later grants in this county behaved with more moderation, those acting in 1334 and 1337 being charged with extortion only in the exaction of small fees.² In Somerset the evidence is similar with regard to the earlier grants, but here the charges were made in most cases against the sub-taxers, and referred by them to their superiors. In every such case, however, the subordinates were also fined, for having been instrumental in the extortion. There are frequent inconsistencies in the names and dates of the chief taxers, but in each case those of the sub-taxers and the sums taken by them are very exactly stated. These presentments occur with great frequency. For instance, the juries of Winterstoke charged the sub-collectors of the tax in 1328 with raising £5 to their own use, with £1 for the clerks; similar presentments were made against the collectors of the taxes granted in 1332, 1334 and 1336, in the last case with £2 for the clerks, and in all cases the charges were admitted. In Frome, however, while the collectors in 1336 admitted having raised thirty-six shillings “for weighing and acquittance,” they said that it was handed over to the chief taxers.³

¹ *Ass. Roll*, 691, m. 5, 6, 6 d, 7, 7 d.

² *Ibid.*, m. 5, 7, 9.

³ *Ibid.*, 770, m. 8, 8 d.

The collectors in Bedmere hundred said they took half a mark "pro expensis suis," besides sixteen shillings handed over for weighing and acquittance. A great many similar presentments occur, and in every case the sub-taxers admitted the substance of the charges; occasionally they described a few shillings as kept back for their expenses, and very frequently admitted having paid nothing to the tax. There were also in this county many presentments concerning small bribes offered and taken for "sparing" individuals. A solitary presentment relating to extortion in connection with taxation occurs in the Buckinghamshire record; where juries of the Aylesbury hundreds asserted that William de Leicester and his colleague "took a great sum of money from the townships for receiving their rolls, from some more and from some less"; the sums they instanced, however, did not exceed half a mark.¹ In Essex a curious presentment declared that when the men of Harwich were taxed to any tãllage of the King they detained it; in this way they had detained the fifteenth for two years and more, as well as the money called "hobeler silver," being "maxime rebelles."² A Suffolk jury presented that the sacristans of the abbey of St. Edmund's refused to pay the fifteenth or the ninth on various lands acquired by the abbey in the county, whereas the former tenants of these lands used to contribute to each taxation³—an interesting illustration, in view of the Crown's attitude at this time.

Some resentment appears to have been called forth by the system of small fees and perquisites employed by the chief taxers and collectors of the subsidies, and their clerks, some of which have been noticed above. Thus, in Lincolnshire, juries of Lindsey complained that John de Trehampton and his colleague, taxers in 1332, would

¹ *Ass. Roll*, No. 74, m. 3.

² *Ibid.*, 258, m. 6. The indictment is noted as insufficient, and appears much exaggerated.

³ *Ibid.*, 858, m. 8.

not give acquittance or receipt to the collectors in the townships in those parts until they had given two pence for each acquittance, sixpence for the seal, and a penny "pro introitu hostii," to the doorkeeper of the house where the money was received; the chief taxers in 1336 also took fees of the townships for their acquittances—"otherwise they would not make them." Other juries, probably more correctly, attributed this "extortion" to the clerks, declaring that "all the clerks of all the chief taxers who have been in the county since the King's coronation, took of each township, for each acquittance sixpence, or at least threepence."¹ The fee for each acquittance is also mentioned in Nottingham, in connection with all the taxes since 1332; of John de Moutenay, a taxer of the triennial grant, the jury of Retford said, with reference to the extortions attributed to others, "he received nothing in his time, but only sixpence for each acquittance."² A similar custom prevailed in Somerset, where it was stated that the collectors in 1334 "took twelve pence of each pound by weight, and sixpence for each acquittance, and otherwise they would not make acquittance, nor receive any money from the sub-collectors, to the great oppression of the people."³ Complaints of the same kind were made in the East Riding of Yorkshire.⁴

The chief collectors were apparently able to receive allowance in their account at the Exchequer for their expenses; thus the collectors of the triennial grant in Northumberland, in rendering their account, asked to be allowed, among other deductions "£10 for their expense for the said third year."⁵ This, however, only affected the chief taxers, and a small charge made by their subordinates does not appear to be unreasonable.

Similar indignation was aroused by the customary

¹ *Ass. Roll*, 521, m. 10, 11, 13 d, 14 d, 15.

² *Ibid.*, 691.

³ *Ibid.*, 770, m. 1.

⁴ *Coram Rege Roll*, No. 323. Rex. m. 19 d.

⁵ *Exch. Mem. Roll*, K. R. 117.

exaction of fees by coroners for performing their office in cases of accidental death; according to evidence given in Lincoln, Somerset, Suffolk and elsewhere these charges varied from two shillings to ten for each view, but the most usual fee was half a mark, a small sum being frequently taken for the clerk and groom. Somerset juries complained that for performing his office on nineteen occasions in Bempton hundred, between 1336 and 1339, John de Bere took in this way fees amounting to £6 6s. 8d.¹ Presentments in Lincoln gave graphic accounts of the difficulty experienced in persuading Hugh Crescey to perform his office before his fee was paid, while Thomas Thurger, coroner in Holland, was accustomed to agree beforehand as to his fee of half a mark, "et plus vel minus secundum infortunium."² The exaction of such fees had been prohibited by a statute of Edward I, but the Hundred Rolls show that the custom continued during his reign. In the autumn of 1340 Edward III wrote that serious complaints had been made to him concerning Thomas Grenfeld, lately a coroner in Yorkshire, because he would not perform views, or other matters pertaining to his office—"saunz griefs raunceons prendre . . . de notre poeple."³ There was probably some exaggeration here also, but if the relative value of money during this period be considered, it is probable that the exactions did appear to be intolerably burdensome.⁴

The Assize Rolls yield some evidence with regard to the practices of the persons appointed to collect wools for the Government during these years. In the majority of cases, such presentments concerned the collection according to the rate of the fifteenth, which prevailed after July, 1338, probably because this affected the townships,

¹ *Ass. Roll*, 770, m. 1. ² *Ibid.*, 521, m. 17, 19.

³ *Chancery Warrants*, f. 271, No. 13513.

⁴ Apparently small local payments were made to the coroners, in some counties. But a fee of some kind was not unreasonable, and was permitted later by a statute of Henry VII (cf. *Select Coroners' Rolls*, Selden Society, Introduction).

while the earlier forms of collection must chiefly have concerned individual merchants. Thus a jury of the West Riding of Yorkshire presented of Thomas de Silkeston, deputed to collect there, “*detinuit et concellavit commissionem suam per longum tempus, infra quod tempus idem Thomas misit quemdam Hugonem Sacour de Doncastre et alios servientes suos in diversis partibus ad emendum plures lanas ad opus suum proprium, ad parvum precium, quod ignoratur; quos postea vendidit villatis ad opus Regis, pro maiori precio.*” This was because, since he had already bought in all the wool of the neighbourhood, several wapentakes of the West Riding “*non potuerunt invenire lanas ad opus Regis, nisi per eum et servientes suos.*” Silkeston appeared, and declared that he had already made fine of 400 marks for this offence in the autumn of 1340.¹

Of the collectors in the East Riding, several juries reported that they used a false balance, so that they took two pounds to their own use on each stone of fourteen pounds; they were accustomed to ask from threepence to sixpence from the constable of each town “*ut lanas suos rationabiliter ponderarent,*” but nevertheless weighed it falsely. They denied the charge, and appealed to a jury, but the result is not recorded.² With regard to the excess weight and the fees, it is probable, however, that they or their deputies were guilty, since similar presentments were made in Lincoln, Nottingham, Somerset and Buckingham. In Lincoln and Nottingham they occurred with monotonous regularity. The collector of this grant in the latter county apparently made a practice of taking from each township one or more fleeces, which they described as “*pro caritate,*” “*de caritate,*” and occasionally “*le caritefles,*” or “*le beveregefles*”; they also took sixpence for each acquittance or receipt, while sums varying from two pence to sixpence, were

¹ *Assize Roll*, York, No. 1141, m. 4.

² *Coram Rege Roll*, No. 324, m. 16 d. Rex.

exacted by the grooms who kept the doors “pro ingressu habendo ad deliberandum lanas suos ad hostium ubi lanae illae fuerunt captae.” Beyond this, one or two stone were usually taken in excess; thus, according to the presentments made separately by sixty-five townships in Holland and Kesteven, the total excess taken from them must have amounted to some 151 stone.¹ The attitude of the rural population to these proceedings is indicated by the fact that juries of Kesteven and Lindsey estimated that 500 sacks had been taken by extortion during 1338, and added “si dominus Rex habuit lanas . . . an non, ignoramus.” One jury declared that these same collectors took a large sum of money to pay for the carriage of the wool “to the damage and impoverishment of the people, to the sum of £100,”—they added that, concerning the sum which should have been raised to the King’s use, “si servitus est an non, ignoramus.”² Nottingham juries also expressed ignorance as to whether the wool raised in their districts had come to the King’s use.

There occur various presentments against the sheriffs of these counties, many of which also relate to the exaction of fees.³ Thus, of Gilbert de Ledred, in Lincoln, it was stated that “like other sheriffs who have been in the county since the beginning of the reign” he would not serve mandates and writs unless those concerned gave him money for performing his office. Other complaints of Ledred described him as taking bribes from litigants for returning them a favourable panel; in several cases “he took money for performing his office from both parties,” and after quoting one of these, a jury continued: “sic cepit de dominis, abbatibus, et prioribus de tota communitate, ubi haec habuit ad facienda colore officii sui, ad grave dampnum et destructionem populi, ad summam centum librarum de tempore quo stetit vice-

¹ *Ass. Roll*, Lincoln, No. 521, m. 9, 12, 13 d, 14, 15, 18 d.

² *Ibid.*, m. 15.

³ Cf. Dalton, *Officio Vicecomitis*. The exaction of fees was forbidden by statute, but was customary.

comes.”¹ The juries were, however, obviously unreasonable in describing some of these practices as “extortions.”

Several presentments in this county and in others relate to the abuses connected with the sub-letting of the hundred courts. From the time of Magna Carta the demand that “hundreds and wapentakes be let at the ancient fermes” had been one of the traditional points of constitutional agitation, but during the first ten years of Edward III the matter was frequently treated in legislation. As in the Statute of Lincoln in 1316, a loophole for evasion was always left in the proviso that such sub-letting should be only for reasonable fermes, but their increase was specially forbidden in 1328, 1330 and 1336. During the same period, the grant of hundreds in fee by the Crown had also been prohibited.² In 1340 an act laid especial stress upon the conduct of the sheriffs in this matter, declaring that many evils had come to pass because they had increased the ancient ferm “and the fermers let them to others at much higher sums.”³ In 1341 it was said of Ledred, late Sheriff of Lincoln, that in spite of these acts, he sub-let the wapentakes in the county “at just as high ferm, or higher, than he did before.”⁴ In these cases also, the complaints appear to be somewhat exaggerated; Hertfordshire juries said that all the sheriffs since the beginning of the reign had leased the bailiwicks at increased fermes “to the depression of the people,” and quoted an instance in which the old rate had been increased from £16 to £22.⁵ In Nottingham extensive sub-letting was reported in the case of the hundred of Bersetlowe, of which the ancient ferm was £18; it was usually sub-let for £20, and the immediate lessees were described in each case as acting “absque aliqua extorsione.” The greatest extortions were, however, attri-

¹ *Ass. Roll*, No. 521, m. 13 d, 14 d, 15, etc.

² *Stat. Northants*, 1328, c. 12. *Stat.* 4 E. III., Art. 15. 10 E. III., II.; 14 E. III., *Stat.* 1 c. 9.

³ *Stat.* 14 E. III., c. 9.

⁵ *Ass. Roll*, 337, m. 4, 8.

⁴ *Ass. Roll*, No. 521.

buted to their sub-bailiffs, who were said to recoup themselves by "fines, redemptions and other burdens," making a profit estimated at more than as much again as the original ferm. One of the methods of extortion was described by another jury, who declared that one Thomas Dagnill, bailiff in 1336 and 1338, "non habens respectum ad quantitatem delicti," caused men to be amerced "per ballivos proprios et alios de procuracione sua," at twelve pence at least, to the destruction of the people.¹

In this county there occur numerous complaints of the detention of money collected for the repair of the bridge; numerous petty thefts were also reported in connection with the levy of expenses for archers. A few complaints were made in connection with extortion in the levy of wages for the knights of the shire. The juries of Bersetlowe declared that the bailiffs of their wapentake raised by extortion as much again as the sum apportioned, raising, for instance, four, instead of two, shillings from "Wyrsope." Others alleged that "nativi domini Episcopi in Wapentagia de Neuerk nihil soluerunt ad expensas militum per duos annos . . . et hoc per manutenenciam et preceptum Willelmi de Merstow et (per) concilium Episcopi, ad maximum onus et gravamen tocius Wapentagiae. . . ." ² Complaint was made in the liberty of St. Albans, in Hertford, that whereas former abbots were accustomed to pay all the expenses in this liberty of the knights "ad parlamenta," the present abbot had for the past eight years caused the community of the liberty to raise the money, "per extorsionem." ³ In Somerset and Lincoln curious complaints occur with regard to the conduct of escheators, who apparently took advantage of the existing uncertainty with regard to the exact nature of tenures to make considerable personal profits. In Lincoln a large number of presentments were made concerning Gilbert Ledred, who was escheator

¹ *Ass. Roll*, 691, m. 5, 5 d, 7, 7 d.

² *Ibid.*, m. 2 d, 5, 5 d, 6 d. ³ *Ibid.*, 337, m. 7.

as well as sheriff; these referred not only to cases of fraudulent extents and returns, but to various petty distrainments and imprisonments. According to one jury, he and his clerks came by colour of their office to all the abbeys and priories in the county, "imponendo eis quod tenerunt de Rege, et alias causas fictas," until they made fine of twenty shillings a year, or forty.¹ For a similar reason, probably, Ralph de Middelneye in Somerset, is said to have taken from the Prior of Taunton "quendam annuam pensionem, causa officii sui," to favour him. He also seized into the King's hand certain lands and tenements, which were not held in chief, until the owner gave him £20.²

An extremely large number of presentments relates to the practices of the purveyors and their deputies during the last three years, and it is evident that these extensive purveyances were considered a great burden by the rural townships. Many of the charges describe systematic bribery, and in most cases the jury declare that no payment was made for the goods thus taken. Unless, however, they add, as they occasionally do, that no tallies or indentures were given, it is probable that their complaint refers merely to the fact that ready money was not paid, and hence the charge of "extortion" against the purveyor breaks down. Thus, a deputy of William de Dunstaple was charged in the King's court with having taken various quantities of grain and malt from several townships, in each case without making payment. He asserted in defence that to each of these he had given an indenture describing the quantity and price of the goods taken, and had assigned a day for the receipt of payment by the sheriff, pointing out that the form of the original commissions had provided for payment in this manner.³

¹ *Ass. Roll*, 521, m. 1.

² *Ibid.*, 770, m. 16. These and other similar complaints represent, it should perhaps be added, the point of view of the more influential classes.

³ *Coram Rege Roll*, No. 323, m. 28, Rex.

In another similar case, the accused made the same defence, and on referring to the account which he had rendered, it was found that only one quarter of grain had not been entered.¹

On the other hand, presentments in Lincoln and Nottingham reveal the fact that extensive fraud had taken place in this department, and throw considerable light upon the failure to provide supplies for the garrisons in Scotland.

On April 30, 1338, the Sheriff of Lincoln, with Gressby and Staunford, King's clerks, was appointed to purvey 800 quarters of malt, and large quantities of grain and other provisions in his county for the use of these northern garrisons,² on the following July 26 the provisions had not yet been raised, and the new sheriff, Gilbert de Ledred, was ordered to attend to the matter in his predecessor's place.³ Six months later, however, in January, 1339, the purveyance was still incomplete.⁴

In 1341 juries in this county described such purveyance as having taken place during 1338, and, if their accounts are to be trusted, the commissioners had displayed great negligence. One presentment declared that large quantities of goods had been raised in Lindsey, but that Gressby "sent nothing of them to that town, and made no payment or tallies to the men from whom they were taken." Two juries stated that he had made extensive purveyances in the county, but had sold the greater part of the goods to their owners "pro suo largo veniando"; others made the same presentment, but added "the rest he placed in houses, part at Lincoln and part at Barton, and still detains it. . . ." Similar charges were made against the sheriff, and both appear to have been freely bribed.⁵

On January 12, 1339, Richard de Castro and another

¹ *Coram Rege Roll*, No. 324, m. 7, R.

² Cf. *Cal. Close Rolls*, 1339-41, p. 166.

³ *Originalia Roll*, No. 97, m. 57.

⁴ *Ibid.*, m. 60.

⁵ *Ass. Roll*, No. 521, m. 1, 4, 5, 6 d, 13, 14, 15.

King's clerk were appointed to supervise the raising of what was still lacking in this county, and also in Nottingham and Derby, where similar purveyances had been entrusted to the sheriff, John de Oxenford, and two others. The writ narrates that frequent orders had been sent to hasten the delivery of the goods, but that the Council had received news that a ship laden with a part of the provisions raised in Nottingham had foundered between Nottingham and Kingston-on-Humber; the sheriff had been instructed to provide the remainder with all speed, but it was said that by his "lukewarmness and negligence" the greater part of the goods was still wanting. Richard de Castro was now authorised to hold an inquiry in all three counties into the conduct of the purveyors—whether they had taken any goods by colour of their commissions and in what way they had disposed of them.¹ Three months later John de Bradeston and another were appointed to complete the purveyance in Nottingham and Derby, and to send the victuals at once to Perth. When, however, in 1341 Bradeston was required to render his account, he asserted that he had not intermeddled in the purveyance, "eo quod tempore quo commissionem illam admiserat, nihil deerat de victualibus predictis improvisum, prout homines parcium illarum in pleno comitatu . . . asserebant."²

Further light is thrown upon the matter by the inquiry of 1341 in Nottingham; the evidence shows that, if no victuals were sent to Scotland from this county, it was not because none had been raised. The jury of Newark wapentake declared that in 1338 Oxenford, then sheriff, took five quarters of corn in Sibthorp, and later seven more, without tallies or payment, of which nothing came to the King's use, "et sic de ceteris villatis in comitatu predicto." The men of the town of Newark were able to supplement this, declaring that he took large quantities

¹ *Originalia Roll*, No. 97, m. 60.

² *Exch. Mem. Roll*, L. T. R., No. 113, *Records*, Mich. Term, m. 1 d.

of corn and malt in the county, "ad warinstaurend" the town of Perth, and had carried this beyond sea, selling it for his own profit. When he came to the Exchequer to render his account, "fecit suggestionem in compoto suo reddendo quod dicta victualia submersa fuerunt in aqua de Humber, quae suggestio falsa fuit; et sic allocatus fuit ei per auxilium Johannis de Shoreditch, pro victualibus et labore suo (£100) . . . ; unde per ipsum, et pro defectu victualium, dicta villa . . . perdita fuit."

Another jury confirmed this, but added that when Richard de Castro had held an inquisition into the matter (in January, 1339, above), these facts had come to light, but that "per fraudem et falsam covinam" between Richard and Oxenford, the former had returned into Chancery that the shipwreck had actually taken place.¹ The incident probably decided the fate of Perth. After his surrender, Ughtred accused Gerwardby, one of his captains, of treachery and neglect, when sent to explain to the Council the danger in which the place stood from lack of victuals and money. Gerwardby asserted that he had been told by the Treasurer in full Council that victuals were being purveyed in Nottingham, Derby and Lincoln for transport to Scotland, and that since large quantities were already shipped, it was not necessary to make further arrangements.² This offence was probably included among others for which Oxenford, after his lands had been taken into the King's hand, made fine of 100 marks, in 1342.³

As compared with the numerous charges relating to the military purveyances, the presentments concerning purveyors for the royal household are not important, with the exception of those relating to John de Potenale, purveyor of the King's larder. Lincolnshire juries complained bitterly of his proceedings; his commission

¹ *Ass. Roll*, No. 691, m. 2, 2 d, 3.

² *Exch. Mem. Roll*, K. R. 117, *Records*, Easter Term.

³ *Cal. Pat. Rolls*, 1341-43, p. 473.

apparently necessitated the purveyance of large quantities of live stock, and he is said to have taken at Sutton at least thirty-two plough-oxen, so that “sedecim carucas prostratae erant” for more than six months. According to another presentment, he went round the coast on one occasion, “and by colour of his office took 200 large animals, oxen and cows, to the value of £100; and he also took beef, bacon and mutton from poor men who had ordained these meats for their sustenance, until they made fine with him.”¹

In several counties complaints were made concerning the conduct of the keepers and grooms attached to the establishments of horses maintained by the Crown. A typical presentment made by the hundreds of Ongar and Waltham in Essex describes how three grooms, attached to a stable of sixty horses then sojourning in the county, came to Brentwood to make purveyance, and took ten quarters of oats from three houses, and hay and litter from different persons in the town. Afterwards they broke open the doors of several granges, carrying off portions of the contents. The leader of these admitted the charge, and begged to be permitted to make fine; he was therefore fined thirty shillings.²

Most of the offences in connection with purveyance were, like the above, rather in the nature of trespasses against the peace, and were in open defiance of the law. The “Speculum Regis,” a remonstrance addressed to Edward III with regard to abuses in this connection, was probably written before 1333, and since that year several statutes had provided fresh penalties and important limitations for the safeguard of the subject.³ It must be admitted, however, that from the evidence of the inquiries in 1341, the practical effect of these limitations was not great, and that the general absence of

¹ *Ass. Roll*, No. 521, m. 1, 5.

² *Ibid.*, 258, m. 8.

³ (1) *Cf. Tait, E. H. Rev.*, 1901. (2) *Cf. Statutes*, 4 E. III.; 5 E. III., 1 c. 2; 10 E. III., c. 1 and 2.

control opened the way to abuses little less serious than those of the first years of this reign.

Evidently, in spite of the ecclesiastical censures issued by Stratford, many persons were glad to have an opportunity of making known their grievances against the officials of the spiritual courts, for in Essex, Lincoln and Suffolk there occur presentments of extortion and petty oppression against the archdeacons and others, while in other counties these officials were glad to take advantage of the Council's decision, in order to stop process against them.¹

In Essex and Suffolk,² as in some five other counties a "common fine" was made, which apparently had the effect of staying further presentments, for in these two counties the complaints against ministers are fewer than in the case of Lincoln, Nottingham and Somerset, where no such fine appears to have been offered. Among the records of the session in the former counties, there occur long lists of the contributors to this, under a heading which describes the fine as made "by the King's ministers." In Essex 3000 marks were offered, and in Suffolk 4000. In the former county, the result of an addition of the entries in these lists, shows that some 2650 persons contributed, each paying a small sum varying from two shillings to, in a few cases, eighteen shillings or so. The lists in Suffolk are similar, but are divided according to the hundreds in the county, the number of contributors in each hundred being from 110 to 140. In each case there is a list of "capitales officarii" who pay much heavier sums, and among these are included the sheriffs, escheators, coroners and chief taxers. The number of contributors to the common fines in these counties, however, far exceeds that of the average number of accused ministers in others; in Lincoln and Nottingham, for instance, including such minor officers as sub-taxers and purveyors for the royal stables, the number does not exceed some

¹ Cf. *Cal. Close Rolls*, 1341-43, pp. 223, 255.

² *Ass. Roll*, Nos. 258, 858.

three hundred. In the counties where such a fine was made, the arrangement seems practically to have amounted to a tax, for whose assessment the few important persons who had for some time controlled the affairs of the county were responsible. The Parliament of 1341 had asked, among other petitions concerning these inquisitions, that the fines made "*par communitez de ministres en gros*" should not be assessed upon individuals according to the amount of their property, but in proportion to the nature of their trespasses; it had also desired that persons upon whom fines were assessed in their absence, and who were unwilling to pay them, might be released from the fine and stand their trial in the usual manner.¹ Experience was to prove that precautions were very necessary to prevent abuses under these arrangements. According to accounts in the Assize Rolls of Bedford and Northampton² describing the form of agreement concerning such common fines, the question of contribution had been left in considerable uncertainty; thus it was stipulated that the fine should be assessed by the oath of lawful men of the county "according to the quality of the persons and the quantity of the offence." Moreover, although the fine was described as made by "the ministers" the agreement included persons convicted of evasion of taxation, forestallers, and certain others specified, as well as those "*qui debent rationabiliter assideri*." No contribution was to be exacted from "*indiges, vel villani, nec tenentes ad voluntatem*" (in Northampton the description ran—"mediocri homines, villani, tenentes ad voluntatem, sicut alii impotentes"); and persons who had held no office and who had not been guilty of any of the specified offences were also exempted. The arrangement was described as having been made in order to spare the labours and expenses which the community of the county would

¹ *Rot. Parl.*, II., p. 133.

² *Ass. Roll*, Nos. 31, 638. The fine is described as "offered" by the community of the county, subject to the approval of the King and Council.

experience if the session should continue. Unless, however, a full inquiry had been held, there could have been no means of determining with justice who should contribute "according to the extent of his offence"; and, as might have been expected, the arrangement was productive of much confusion and dissatisfaction. In April, 1341, shortly after the fine had been agreed upon in Essex, information was received that some among the more guilty of the ministers were attempting to throw the whole burden of the fine upon others, and to assess it upon lesser offenders. The justices assigned to this county were therefore ordered to call before them the ministers within it, and after hearing complaints against them, to cause injustices to be amended.¹ Similar writs were issued later in the case of Norfolk and Northampton, where a common fine had also been made.²

A very flagrant instance occurred in Suffolk, where the Prior of Norwich complained in the autumn of 1341 that although he had only held office as a collector of the clerical tenth, and in that capacity no complaints had been made against him, the assessors of the fine had charged him with a contribution of £100, which was now being exacted by the sheriff. He considered this the more unjustifiable because he had not been present when the fine was agreed upon. Not, however, until the summer of 1342 was he able to obtain a remedy, when an inquisition was held before the justices originally appointed in the county, and his statements were confirmed by a jury of knights and others. The £100 were then apportioned among the assessors themselves, most of whose names occur in the list of "*capitales officarii*."³ Several other similar cases occurred, and it is not surprising that in the Parliament of 1343 the Commons petitioned that no fine should be made by the ministers in common before the justices then appointed to hear and determine offences, but that each might be punished according to his trespass.⁴

¹ *Cal. Close Rolls*, 1341-43, p. 130.

² *Ibid.*, pp. 346, 441.

³ *Ass. Roll*, No. 858.

⁴ *Rot. Parl.*, II., 141 (37).

CHAPTER XI

THE STATE OF THE PEACE

IN no department of administration was the need for a strong and vigilant rule more keenly felt than in that which related to the keeping of the peace, for the lawlessness prevalent among all classes of society affected every branch of the national business, and thwarted every measure of reform. Even the Government of Mortimer and Isabella had realised the urgency of the matter, and its policy with regard to the maintenance of order was continued by Edward III; probably at no period in the fourteenth century were greater efforts being made by the executive to improve the state of the peace than during the years 1327-40.

When Edward III came to the throne, the standard enactment concerning the keeping of the peace was the Statute of Winchester; it had attempted to remedy a state of affairs already existing in 1285, in which crimes and outrages of all kinds were frequent, their perpetrators being shielded by local partisanship. The Statute had established the principle that when robberies or other felonies were committed within a hundred, the whole countryside should be held responsible for damages unless the criminal were produced; this had been designed to bring about a more conscientious following of the hue and cry. It had also provided regulations for the better keeping of watch and ward within walled towns, and for the arrest of suspicious persons, and in order that these might be the more effectively carried out, it had ordained that no able-bodied man should fail to have by him such arms as befitted his station. In each hundred

constables were to be chosen to supervise the working of the Act, and to present any negligences to the justices on circuit when they came into the district. The Act had held up an ideal, but it appears to have been of little practical effect. The attempt to force responsibility upon whole districts had seemed harsh and difficult in 1285;¹ slackness in following the hue and cry continued, and in the second year of Edward III it was admitted that the provisions for presentment to the justices and for their report to Parliament had been fruitless.² Above all, the enforcement of the possession of arms—the clause which had probably received more attention from the community than any other—had only facilitated the equipment of ill-doers.

To a great extent, the peace and order of the counties depended upon the character and behaviour of the sheriffs and other ministers; the Statute of Winchester had warned them to be diligent in the pursuit of criminals, and an Act of 1328 showed a complete realisation of the difficulty that “the peace can in no wise be well guarded without good ministers, as sheriffs, bailiffs and hundredors who were responsible for the King’s most private business, and for other matters touching the people.” The importance of this point was recognised by three other Acts before 1340. Such frequent repetition suggests that there was ground for uneasiness with regard to the conduct of the local officials, and in fact as long ago as 1275 legislation had attempted to check an important factor in the spread of wrongdoing, namely, the deliberate concealment of felonies by sheriffs and bailiffs, who received bribes and gifts from malefactors for “maintaining” them.³ Evidence afforded by the inquisitions of 1341 proves that the evil was still existent. John de Coggeshall, Sheriff of Essex, was said to have annulled the indictments against a certain well-known offender

¹ *Stat. Winch.*, cap. 3.

² *Stat. Northampton*, 2 E. III., c. 6.

³ *Stat.* 3 E. I., c. 9.

on three occasions when these were presented before him, in one case accepting £10 from the accused. In the case of another offender, Coggeshall not only cancelled an indictment of murder, but according to the jurors of Hengford hundred, employed the culprit as his bailiff-errant in the county, "and received and maintained him." The juries of Chelmsford, Berdestaple and Witham made similar charges against the bailiff of Berdestaple hundred, saying that he caused persons accused before him to be warned of the indictments and afterwards annulled them for gifts, "by which the indictors are in despair of their life and goods from day to day, and now they dare not indict felons of this sort, to the great damage of the whole hundred and against the King's peace." The result was, they declared, "that in all the time when he was bailiff of the hundred, no one indicted at the King's suit could be brought to answer; and if any one were brought to answer in this way, it was at the suit of party, and not of the King"; thus he was a common maintainer of thieves in the hundred.¹ Of Thomas Thurger, coroner in Lincoln, it was said that he detained the jurors who came before him: "*Quousque presentaverunt ad voluntatem suam, pro parte quam iniuste vult adiuvere, et hoc saepe facit.*"²

The practice of tampering with indictments was so well recognised that a clause in the first Statute of Edward III's reign had provided that these should in future be taken by indenture between the indictors and the sheriff or bailiff—"issint que les enditementz ne soient besellez come avant ces heures ont este"—and in such manner that a member of the inquest could show a part of the indenture to the justices when they came to deliver the gaol.³

Another serious abuse was the frequent release on bail of persons accused of felony. Thus Lincoln juries said

¹ *Ass. Roll*, No. 258, m. 7, 7 d.

² *Ibid.*, No. 521, m. 15.

³ 1 Ed. III., *Stat.* 2, c. 17.

that Gilbert de Ledred, sheriff, and his bailiffs permitted "felones et transgressores notabiles contra pacem, non replegiabiles," to wander at large for a consideration.¹ The practice had been forbidden by Statute under Edward I; and the act of Edward III, which in 1330 empowered the guardians of the peace to receive indictments concerning persons whom they arrested, insisted that such persons should on no account be let to mainprise by the sheriffs except in cases in which the law permitted it.² To check the abuse seems, however, to have been impossible, and its results were twofold; not only were evil-doers allowed to remain at large, doing further mischief, but the very indictment of such persons was discouraged, since it was probably useless, and possibly dangerous. In 1336 inquiry was ordered into the circumstances under which the keeper of Stafford gaol had illegally released in this way several felons and robbers, "who are now vagabond in the country, committing many crimes, and threatening the indictors . . . with mutilation and death."³ The sheriff of Nottingham was accused in 1341 of having released a certain thief "to the great peril of the indictors."⁴ For a similar reason, there must always have been great reluctance to indict wrongdoers not actually in custody; in 1335 the Sheriff of York was unable to arrest various persons indicted of felonies, "because they are vagabond, lying hidden in secret places," and in 1339 the arrest of Thomas de Stretton and others of his confederacy was ordered, because, having been indicted of crimes, felonies and excesses, they had become vagabond.⁵

It must often have been difficult to obtain indictments against more influential offenders, who apparently had recourse to intimidation. Nottingham juries declared in 1341 that "Dominus John Barry, miles" beat and ill-

¹ *Ass. Roll*, No. 521, m. 14 d.

² *Stat.* 4, E. III., c. 2.

³ *Cal. Pat. Rolls*, 1334-38, p. 365, October, 1336.

⁴ *Ass. Roll*, No. 691, m. 3.

⁵ *Cal. Pat. Rolls*, 1334-38, p. 375.

treated one Robert Cotgrave at Nottingham, when the latter was on an inquest of gaol delivery there—"in contempt of the King, and to the great terror of all the jurors of the county, present and absent."¹ During the same inquiries, of Thomas Gurney, an important Somersetshire knight, it was said: "He threatens those who are indicting him of anything, that after the withdrawal of the present justices, they shall suffer corporal penalty in life and limb, so that men fear to accuse him, on account of future harm."² The system of sworn indictments and verdicts by the countryside had, in fact, long ago become hopelessly inadequate. Its decay was hastened by the extreme reluctance of the more substantial villagers to perform any jury service; the Hundred Rolls testify that it had long been the custom for sheriffs and bailiffs to take small annual payments from persons in their bailiwicks for sparing them in assizes and juries, and the Assize Rolls of 1341 prove that the system still prevailed. Richard Langwath, bailiff-errant in Lincolnshire, was said to take £5 a year in this way from various persons in one wapentake "pro pace habenda," while he was accustomed to return on inquisitions and juries "pauperes et impotentes, qui parum vel nihil dare possunt."³ By the beginning of Edward III's reign the ordinary jury service had come to be performed by comparatively poor and easily corruptible persons; a poem attributed to this period describes how "The pore men beth over al somoned on assize, And the rich sholen sitte at home, and then wol silver rise to shon"; and it is noticeable that the Statute of Westminster I had contained a very similar phrase with regard to the abuse. It has been pointed out that before the end of the thirteenth century the common-law penalties for corrupt and perjured jurors had become practically useless, according to the evidence of numerous petitions to the Council;

¹ *Ass. Roll*, No. 691, m. 6 d.

³ *Ibid.*, 521, m. 13 d.

² *Ibid.*, 770, m. 8.

and in 1331 a statute had empowered the justices of assize to inquire as to the jurors who had taken money from either or both parties to the suit, and to imprison them.¹ The matter was, however, even more important in connection with criminal justice, since not only were juries easily overawed, but they might easily be bribed and manipulated; a writer has said that the organisation of the township and hundred juries "opened a wide door to tyranny and oppression by men of local influence," and was an easy means of wreaking private malice under cover of law.² This question came into prominence in 1341, when the far-reaching inquisitions gave opportunity to long pent-up local jealousies, and Parliament petitioned that legal remedy might be provided because persons accused could not "be delivered but by the indictors." There was, however, another point of view, which emphasised the risk of allowing the accused to escape by means of a corrupt verdict, and not until ten years later was it decided that in all cases the indictors might be challenged, the Crown advisers evidently hesitating to offer this chance of escape to countless offenders with sufficient influence to be able to count upon a packed jury.

The working of the local system was probably still further impeded by circumstances affecting the characteristic mediæval resentment of any demand for the payment of public services. The impression is given that in 1341 it must have been considered rather a luxury for townships to deal with offenders according to the law. Ten years before a Statute had attempted to remedy the fact that "sheriffs and bailiffs . . . have not been willing to receive thieves indicted, appealed, or caught red-handed, and attached by the constables and townships without taking grievous fines and ransoms for their receipt, wherefore constables and townships have

¹ Palgrave, *Orig. Juris. of King's Council*.

² Stephen, *Crim. Law*, I., 171. Palgrave, as above.

been the more unwilling to take such . . . felons, for such outrageous charges, and thieves and felons have been emboldened to do ill.”¹ Several complaints concerning this matter were made in 1341; thus Somerset juries complained that Walter de Rodney, sheriff, by his gaolers of Somerton, used to take sixteen pence for the receipt of each prisoner, while another gaoler in the same place was said to demand eighteen pence for each.² If allowance be made for the relative value of these sums at this period, and for the fact that the constables would often have to pay the money themselves, their slackness in making arrests may easily be understood. The coroner’s fee provided a similar motive for the concealment of crime.

For the first time in 1331 an attempt was made to cut off the loophole of escape offered by the fact that persons indicted of felonies could only be arrested, according to existing writs, in the county in which the writ was issued; to prevent the possibility of escape in a neighbouring county “whereby they have been encouraged in mischief” it was provided that in future such writs should hold good for all counties.³ During the years 1330–40 attention was directed to the traditional abuse of the royal pardon; in 1328, 1336 and 1340 the matter was treated by legislation, a scheme having been drawn up in 1336 according to which persons obtaining such pardons should appear before the sheriffs of their counties before a certain date, and find sureties for future good behaviour; in 1340, however, a confirmatory Statute stated that this had been ignored, and that pardons without number had been granted.⁴ This is, perhaps, a reference to the fact that during the spring, summer and autumn of 1339 no less than 493 persons received pardons, while during the winter of this year and the

¹ Stat. 4 E. III., c. 10.

² Ass. Roll, 770, m. 9, d 15.

³ Stat. 5 E. III., c. 11.

⁴ Stat. 10 E. III., Art. 3; 14 E. III., 1, Art. 15.

spring of 1340 nearly 400 more were issued; all these were given to persons present with the army in Flanders, and were in all cases described as a reward for foreign service, being obtained by Writs of Privy Seal issued abroad. Among the 493, over 200 covered cases of murder and homicide.¹

All these hindrances existed in the application of the peace regulations under the conditions contemplated by the Statute of Winchester. But before the beginning of Edward III's reign, new factors of disorder had come into existence, connected with the practice of "riding armed in affray of the peace," and these the Act does not appear to have contemplated. In the second year of Edward III, the Northampton Parliament dealt with the matter in an Act that was in future to stand side by side in importance with the Statute of Winchester. This Statute of Northampton ordained that in future no man should come before the King's justices or others of his ministers, when performing their office, with force and arms, or bring force in affray of the peace, on pain of imprisonment, and forfeit of his armour to the King; all lords of franchises, and sheriffs should be bound to execute the Act, as well as all mayors and bailiffs of cities and boroughs, and in case of their negligence in doing so the justice of assize should have power to punish them.²

Much of the disturbance seems to have been due to the local influence of lords of manors, and sometimes of greater persons; this, supported by the growing practice of "maintenance" far outweighed that of constables, hundredors, and even of sheriffs. Various recorded instances suggest that the knightly class in England was developing tendencies similar to those of the German "Ritterschaft." In some cases, towns seem to have been overawed by local bandits; thus in 1341 four hundreds

¹ *Cal. Pat. Rolls*, 1338-40, pp. 217 *seq.*, 337, 419, 455.

² *Stat. 2 Ed. III.*, c. 3.

in Suffolk presented that Simon Perpoint, knight, Walter de Uggeshall of Redishull, and others, had lain in wait for the merchants ("homines mercatores") of Beccles—"from day to day, so that scarcely any of them dared to go outside the town to any market"; and about Michaelmas, in 1340, Perpoint and fifteen more came armed to a wood called Gerwick, and there one Adam Hacoun "drapere" of Beccles was so assaulted, with the consent of the knight, that he died a few months later. But when the coroner sat to perform his office in the matter of the death, none of the relatives of the deceased dared to come to the place for fear of Simon and his adherents. The trouble here seems to have been of long standing, for as long ago as 1334 a royal mandate had ordered the good men of Beccles to be assistant to the town constables, because the latter were not able alone to arrest and carry to gaol persons assaulting merchants who came to the town with goods; such traders were frequently robbed, and the assailants went unpunished.¹

In Lincoln the Darcys of Park preyed upon the men of Grimsby in a similar way; John Darcy, knight, with three friends and others, unknown, is said to have come to the town at Ascensiontide in 1339, where he broke open the house of Simon de Fountenay, later in the day surrounding Simon in the church of St. Mary there, until, in fear of Darcy, he gave him £5. It was said that during 1333 Robert Darcy, a brother, attacked the men of the town "and beat and threatened them so that they dared not go out of it, nor pass through the countryside unless they had the sign of his seal, appropriating to himself royal power"; in 1340 John Darcy, with John de Ross and others, so assaulted the men of Grimsby and the surrounding districts "that they dared not pass through the countryside." In this year a servant of Robert Darcy was killed, and Robert conspired with a

¹ *Ass. Roll*, No. 858. *Cal. Pat. Rolls*, 1334-38, p. 62.

local bailiff to obtain a special writ of inquiry into the death; they kept this in their own hands, and the bailiff made the townships of Lindsey come before Robert, who compelled them to indict various persons. He proceeded to exact fines from these "and put their names out of the indictment," which he kept in his hands for over a month.¹ In 1335 the burgesses of Ipswich obtained protection for a year for themselves and their men and possessions, because they were "so threatened by divers men of those parts that they dared not go out of their town about their business." This, however, probably referred to the pirate raiders from a neighbouring port, who later in the same year kept four ships with men-at-arms for ten weeks in their harbour, robbing merchants coming to the town by land and sea. Other almost incredible feats were attributed to them—the sinking of several ships, the capture of ten more fitted out in the port for the King's service, hindrance to the customs-officers, and attacks upon the fishermen.² The condition of the East Anglian counties seems to have been especially bad, and it has been pointed out that "as late as 1344 men were riding about with banners displayed," taking persons and holding them to ransom.³ In 1330 the men of Dunwich had complained that they were disturbed in the profits of their town, which they held in fee farm, by the depredations of Edmund de Clavering, knight, who had blocked the entrance to the haven, and guarded it with numbers of men-at-arms, diverting all their trade to Walberswick, his own port; he had also set up a rival market, and moreover prevented them from making their lawful distrains and attachments. They petitioned for remedy because, owing to the threats and the great strength of Sir Edmund, they could do nothing against him.⁴ The juries in 1341 accused Peter de Bedingfeld,

¹ *Ass. Roll*, 521, m. 10 d.

² *Cal. Pat. Rolls*, 1334–38, pp. 170, 218.

³ *Vict. County Hist.*, Suffolk, Vol. II., p. 171.

⁴ *Rot. Parl.*, II., p. 44 (60).

another knight—who, incidentally, refused to pay anything to the fifteenth or to the wools—of three murders, including that of the vicar of Bedingfeld, whom he dragged out of the church. Edward de Cretyng, another prominent Suffolk knight, was described as “a common maintainer of assizes and quarrels,” while he and his son, with the connivance of the parson of Bradfield, were said to have killed the rector of the church at Berwe in 1338; he had previously stolen £11 worth of goods and chattels from his victim, and had secured £5 more by procuring the chief pledge at Berwe, where Cretyng had lands, to indict the rector falsely.¹ Apparently, however, Cretyng had friends at court, for during 1342 he was acting as Sheriff of Norfolk and Suffolk and as escheator in the same counties, while in 1343 his son was made bailiff-errant in both for life.² In Lincoln complaint was made in 1336 that Robert Breton, knight, and his confederacy “lurk night and day with armed force at Hardwyk, compelling those who pass to swear to live and die with them for a certain time; and they have assaulted Reginald de Donynton, collector of the fifteenth and tenth, . . . while engaged in collecting, and robbed him of three horses and £200 of the King’s money, killing three of his servants”; a later report, however, reduced the losses to four horses and only £100.³ In 1337 Breton’s arrest had been ordered as a suspected person; he is found in 1341 assisting the late sub-sheriff with armed force to resist attempts to levy distraint for the fine of £70 which the latter had made before the justices for his trespasses in the county.⁴ Somerset juries declared in 1341 that Thomas de Gurney, knight, was “a common malefactor in fairs and markets, and maintainer of John le Baker, and other ill-doers in the countryside, beating and ill-treating men against

¹ *Ass. Roll*, No. 858, m. (4).

² *Cal. Close Rolls*, 1341–43, 496. *Cal. Pat. Rolls*, 1341–43, p. 399, *Ibid.*, 1343–45, p. 30.

³ *Ibid.*, 1334–38, pp. 362, 372. ⁴ *Ibid.*, p. 377.

the peace"; he is said to have taken small annual payments from various ill-doers—"so that by his unjust defence, people of this kind take courage to do wrong and disturb the peace."¹ During the same year, the Aylesbury hundreds of Buckingham reported that in 1340 "by precept and maintenance of the lord John de Molyns" there came to Horsenden John del Haye, parson of Weston, "and other malefactors of his coveyne, lying in wait for lord Gerard de Braybroke, and terrifying his wife and household and the community of the town." Apparently there was a bitter feud between Molyns and Braybroke, for the juries also declared that Molyns deputed armed men to lie in ambush for him, and that they so terrified the countryside, "*quod ipsi Gerardus et tenentes sui terram suam waynare non potuerunt, nec fena sua cariare*"; in short, all their agricultural operations were hindered until an agreement had been arranged "*per vicinos amicabile*."²

In 1341, when Hugo de Mortimer brought an assize of Novel Disseisin against John de Wodehull, the latter is said to have maintained his suit at the Bedford assizes with "a great company" of armed men, whose arrival terrified the whole town. It is not surprising that three years earlier the Earl of Norfolk should have come to the town during a similar assize to which he was a party, and compelled the sheriff's deputy, by threats, to make a panel according to his will.³

A proof of the general tendency to disorder is afforded by the increased number of licences to crenellate and fortify dwelling-houses; it has been pointed out that during this reign such activity reached its height, and that a petition of Parliament in 1371 had even desired that, notwithstanding any statutes, every man might if he chose crenellate his dwelling; a similar right should also be granted to burghers for their towns.⁴

¹ *Ass. Roll*, No. 770, m. 8.

³ *Ancient Indictments*, f. 1.

² *Ibid.*, 74, m. 19.

⁴ Stubbs, *C. H.*, III., pp. 555-56.

In many instances the towns appear to have formed little nests of disorder, and centres of faction; frequently their franchises included judicial privileges which not only ensured freedom from the sheriff's control, but practically resulted in immunity for offenders. The matter had in an early Parliament of the reign been the subject of a petition, which pointed out that as a result of such franchises various outrages were perpetrated upon persons entering them, because the holders "are assured that they will have cognisance of their own deeds, and will acquit themselves."¹ Thus the neighbourhood of Lincoln was much disturbed by a faction maintained by Thomas de Carleton, sub-sheriff, who had been a knight of the shire in 1330 and 1333; his faction included various relatives, and his clerk, and in 1341 Lincoln juries presented that his confederacy afforded and maintained ill-doers in the city by gifts "so that they do not fear to wander day and night in markets, taverns and elsewhere, attacking peaceful men with insults, beating, wounding and despoiling them"; any attempts to secure amends for these injuries were worse than useless. They explained also that Carleton's influence was so strong that he was able frequently to control the election of the mayor, bailiffs and coroners, so that "none of the new ministers dares to do anything pertaining to his office against Thomas' will, . . . or make any resistance to him."² The state of things was similar in Canterbury; in 1344 justices were assigned to make inquiry into the reported doings of John at Vyne, who, gathering together a great multitude of ill-doers from the city and elsewhere in the county "by the assent of the bailiffs and some others of the city," came together in congregations and "unlawful conventicles" within and without the city, wandered day and night, and lay in wait for men placed on assizes, and juries.³ Some years

¹ *Rot. Parl.*, II., p. 37 (32).

² *Ass. Roll*, No. 392, m. 1.

³ *Ass. Roll*, No. 521, m. 13.

before, inquiry had been ordered concerning the persons "who daily commit robberies and murders in the town of Oxford, and those who maintain them"; in 1335 the arrest was ordered of persons suspected in connection with the frequent outrages that took place in the neighbourhood of Stamford.¹ Complaints were made in 1338 that various persons in the borough of Bedford hindered native and foreign merchants and others coming there with merchandise, and in 1339 that crimes were daily perpetrated in the liberty of the town of Lynn, where the culprits were received and maintained;² a year later steps were being taken for the arrest of the two bailiffs of the town of Worcester, the late bailiff, and twenty-five others, including a mason and two saddlers, who had formed a confederacy to maintain evil-doers within the liberty of their town, not suffering them to be attacked, or, if imprisoned, allowing them to escape; thus vagabonds wandered at large, while the guardians of the peace, sheriffs and bailiffs . . . could not perform their office within the town and its liberty.³ A similar state of affairs prevailed in London; in 1336 order was given for the arrest of eighty-four named persons, for imprisonment in Newgate as suspected breakers of the peace, among them being three saddlers, three tailors, five goldsmiths, a chandler, and other traders. Two years later the King complained that the mayor and sheriffs of the city were negligent in enforcing the statutes relating to the peace, and that the citizens were not properly equipped to keep the watches; many persons were said to ride and wander armed day and night, assaulting the King's ministers and others.⁴

A striking feature of the general disturbance was the frequency of armed attacks upon ecclesiastical landlords. At the very beginning of the reign attacks, prompted by

¹ *Cal. Pat. Rolls*, 1334-38, pp. 66, 210.

² *Ibid.*, 1338-40, pp. 179, 367.

³ *Ibid.*, p. 485.

⁴ *Ibid.*, 1334-38, p. 375. *Ibid.*, 1338-40, p. 142, 74.

long-existing disputes, were made upon the Abbey of St. Edmund's by large bands of the townsmen joined by numbers of the neighbouring knights and clergy. In 1334 further attacks, with much burning of buildings, were made "by a great multitude of persons, who had bound themselves by an oath to stand by each other to the death."¹ Late in 1336 the Abbot of Furness was asking for remedy because certain persons were riding armed in the neighbourhood of the abbey by day and night, plotting to kill him, and had already seized sixteen horses bringing victuals and fuel for its use, and captured all the goods. In 1339 eighty-four persons were distinguished in an attack upon some Austin friars at Grimsby.² A number of similar cases might be instanced from entries on the Patent Rolls.

In 1331 attention was directed to a humbler and more vagabond class of offenders, and the town constables were ordered to arrest on the spot, if suspicions were aroused, any vagrant persons likely to prove "roberdesmen, wasters and drawlaches," since in some districts trouble was being given by persons of this kind. To this class probably belonged some fifty persons, all distinguished by name, who were in 1335 convicted of various trespasses, confederacies and conspiracies, and to whom the King, "in consequence of their poverty," pardoned their imprisonment and all the results of their trespass.³

The obligation to maintain peace and order was one which the mediæval Government usually treated very seriously, and the early Parliament Rolls and Statutes of this reign contain frequent references to the growing evil of maintenance, and to the necessity for checking disorder. In 1331 the magnates agreed that henceforth they would not retain or receive any indicted felon or

¹ *Cal. Pat. Rolls*, 1334-38, p. 44, and cf. *Vict. County Hist.*, Suffolk, Vol. I., pp. 650-1.

² *Cal. Pat. Rolls*, 1334-38, p. 373. *Ibid.*, 1338-40, p. 277.

³ *Stat.* 5 E. III., Art. 14. *Cal. Pat. Rolls*, 1334-38, p. 150.

malefactor, while the King threatened that those who refused to obey and maintain the law should be treated as disturbers of his Government. In 1336 it was declared that the King "desire sovereignment la maintenance de sa pees, et salvacion de son poeple," and there issued the futile command that all statutes hitherto made should be observed, "auxibien devers les grantz come devers les petitz, les riches come les pauvres."¹ The King's absence from the realm was apparently considered an encouragement to disorder, and Edward's approaching departure caused considerable uneasiness on this ground in the spring of 1338. In February writs were issued summoning three or four knights from each county to Westminster to treat with the King in person upon the preservation of the peace while he should be abroad; for the same reason, in May the Mayor and Aldermen of London were also invited to a consultation, but they appear somewhat to have resented the implied right to interfere with their internal arrangements, asserting that they had provided good security.² In spite of these precautions, the months following Edward's passage were marked by unusually serious outbreaks of lawlessness, which are noticed by the chroniclers, as are also the ecclesiastical censures that were invoked to aid the secular authorities. News came of serious confederacies in Berkshire to disturb the sessions of the justices of Newbury, in spite of the sheriff's proclamations forbidding armed affrays, while other reports were received of disturbances by persons who fled from county to county, and could not be captured.³ In the autumn Parliament of 1339 the state of the peace was one of the three points especially commended to the notice of the Commons. It was said that "throughout various counties and towns of the land, men of ill covyne are bound together and sworn that, at such time as they may hear tidings

¹ Stat. 10 E. III., Preamble.

² Rymer, 1013, 1036.

³ Cal. Pat. Rolls, 1338-40, pp. 69, 141.

according to their desires, they will rise and kill their neighbours, honest men who desire peace . . . and it is their intention to procure general riot throughout the land." This may have been a purposely exaggerated picture, drawn with the intention of arousing a zeal born of fear, but the announcement was apparently received with great coolness by the Commons, who replied that, in their opinion, the peace had been well enough kept since the King's departure, and that, if any "novelerie" should begin, the guardians had sufficient power by commission to restrain such malice; if they could not, let them be afforded by others more sufficient "by the avisement of the knights who are here from the shires."¹

The guardians referred to were the local knights or magnates appointed to keep the peace in continuation of the system of conservators which had been in use under Edward II; such appointment had been made in the first Parliament of his son's reign, and continued to be the most important police measure during this period. After 1328 the commissions included the duty of enforcing the Statute of Northampton as well as that of Winchester, and were issued in all the counties at intervals of a few years, being frequently revised and reinforced. The question of the activity of the guardians of the peace during this period is an interesting one. Referring to the "widespread and persistent social anarchy" of the period, one writer concludes that the only solution which the Government could devise was the extension of the power of these guardians, and he points out that many years before the usually accepted date of the creation of the Justices of the Peace, even as early as 1330, full powers to hear and determine were occasionally conferred upon local commissioners.²

While this is an important fact, other evidence seems to indicate that the Government had by no means entire

¹ *Rot. Parl.*, II., p. 104 (10).

² C. A. Beard, *The Office of Justice of the Peace*.

confidence in the keepers, and that in 1341 and the following years it insisted upon checking carefully such grants of full power to county guardians. Moreover, his statement that "only by concentrating power in the hands of the strong middle class of gentry, independent of the great lords, could the Government hope to check the turbulent elements in the kingdom," is somewhat inaccurate. The instances already quoted illustrate the fact that turbulence was frequently characteristic of the knightly class, and during this period the expedient of appointing greater magnates, in a position superior to that of the county guardians, to supervise them, was occasionally adopted. An extensive scheme was drawn up in Parliament in 1332 according to which there were to be commissioned in each county the "plus grantz," as its keepers, to whom the guardians already appointed were to be subordinate;¹ in 1338, when commissions of the peace had been issued for all counties in July, further commissions were given in August for seven groups of counties to important persons who were to act as overseers of the county keepers. Thus, in the southern counties, the supervisors included the Earls of Surrey, Arundel and Huntingdon. On this occasion the subordinate commissions included full powers of keeping the peace and of hearing and determining offences, and the holders were also responsible for the array of men in their districts for home defence.²

It is not surprising that the efforts of the keepers of the peace during this period had somewhat disappointing results. The duties must have been very difficult, and they often involved danger of reprisals; thus, in 1336, the chief keeper in Rutland complained that after he had seized and held inquisition upon a certain notorious offender, some persons came by night to his manor, attacked it, and wounded his son and two servants.

¹ *Rot. Parl.*, II., pp. 64-66.

² *Cal. Pat. Rolls*, 1338-40, pp. 134, 135, 141.

The same persons came many times to the sessions of the keepers at Oakham and Wissenden, preventing them and the jurors from holding any inquisitions.¹ Some light is thrown upon the working of the system by an incident which occurred in the same year. The Sheriff of Bedford had been ordered to arrest William de Wymington, and in pursuance of this, the arrest was made at Eton; but Roger de Bello Campo, with another knight and thirty-eight others, assaulted the arresting officer and rescued William, killing four horses. A commission of inquiry was asked, but apparently without result, for two years later another was obtained by Robert Redmere, who claimed that the sheriff had deputed him to make the arrest, and that he was about to take William to prison when the assault occurred. John de Bello Campo apparently protested to the Council, his version of the affair being, that he was deputed to keep the peace in that hundred, and that he noticed Redmere and others with him armed with shields and lances and shouting in a warlike manner; William then in his own company fled for safety with him to Eton, the eight men pursued, wounded William, and refused to surrender. Upon the raising of the hue and cry, the eight fled to the church, where, as Redmere was wounded, they stayed for three days. Redmere's petition charged Bello Campo with a breach of the peace, but as it was testified that he had actually no commission to take William, and the knight and his companions were acting for the preservation of the peace, the commission of inquiry was superseded.²

There was a growing tendency for the King's Council to step into the breach left by the insufficiency of the local authorities, and the breakdown of the communal system; "for the equity of the Chancellor and the jurisdiction of the Council there was crying need."³ In 1345 the

¹ *Cal. Pat. Rolls*, 1334-38, p. 353.

² *Ibid.*, 1338-40, p. 181. *Cal. Close Rolls*, 1337-39, p. 618.

³ Holdsworth, II., p. 346.

Sheriff of Lincoln was ordered to enforce the penalties of the Statute of Winchester upon the hundreds, since it was asserted that felonies were being committed daily; those who could not obtain justice when murders were committed, because men would not follow the hue and cry, were urged to apply for speedy remedy to the Council.¹ During the last two reigns notorious offenders had occasionally been arrested by the Council's order, and dealt with as in a court of original jurisdiction. During Edward III's reign the system was more frequently adopted. The Northampton Statute had authorised the summary arrest of all persons disturbing the peace; in 1336 a statute permitted the arrest of any persons concerning whom the Council should be notified that they were notorious offenders, but the measure was to be a temporary one.² In the Great Council of July, 1338, the magnates agreed that for the maintenance of the peace during the King's absence, notorious suspects should be summarily attached, and during 1339 and 1340 commissions were frequently issued for the arrest of individuals upon testimony given before the Council. When in the summer of 1340, much disturbance was anticipated in the collection of the ninth, owing to the opposition of "ascuns malveys Baretours, ou Seigneurs des Villes," it was arranged that, should the commissioners for the valuation meet with hindrance from persons "de tiel estat, qils ne osent ou ne le poent faire," a special warrant for their arrest and imprisonment should be obtained.³ The above ordinance of 1338 was, however, repealed in the Parliament of 1341, since the Government had claimed its authority for the arrests of the preceding December, the Commons petitioning for its withdrawal on the ground that, while originally meant to authorise the attachment of thieves and notorious malefactors, it had been used to attack persons of a different character.

¹ *Cal. Close Rolls*, 1343-46, p. 456.

² *Stat.* 10 E. III.

³ *Rot. Parl.*, II., p. 117.

A clause in the statute of this year declared that in future no one should be arrested in defiance of the Great Charter, even by command or ordinance of the King.¹

It is doubtful whether, in the existing condition of society, such facilities for speedy justice as were offered by an "ordinance of the suspects" were not counter-balanced by its attendant abuses; thus, a plaintiff in London declared that in 1341 John de Pulteney, bearing a grudge against him, and being unable to procure indictments, "sen alla a Larceveske," then Chancellor, and obtained an order for his arrest as a malefactor.²

Just at this time, perhaps as the result of evidence obtained in 1341, the Government appears to have grown doubtful as to the wisdom of entrusting full judicial powers to local knights. In their petition of 1344 for the repeal of the new commissions of inquiry issued in the previous year, the Commons had asked that in each county three or four of the "sages," with two others of the best repute, might be appointed to keep the peace and to hear and determine felonies.³ The Government agreed to the appointment, but it would only promise judicial powers when need should arise, and in case of such necessity, insisted upon the association in the commission of some learned in the law. Several instances of the working of this arrangement are recorded, in each case a royal justice being especially appointed with the keepers to hear and determine.⁴ Two years later the Commons again asked that keepers of the peace should be appointed from the most sufficient men, and should have judicial powers; again the Government refused to grant such powers except in conjunction with others "sages et suffisantz, apriis de la Ley."⁵ This policy of keeping judicial authority in the hands of professional

¹ *Stat.* 15 E. III., c. 3. ² *Ass. Roll*, No. 552, m. 35.

³ *Rot. Parl.*, II., pp. 148-9.

⁴ Cf. *Cal. Pat. Rolls*, 1343-45, pp. 31, 35, 97, 105.

⁵ *Rot. Parl.*, II., p. 161.

justices may have been prompted by the well-known abuses which prevailed in connection with the special commission of Oyer and Terminer. Such commissions had been granted from time to time under Edward I, to justices and others, to provide speedy remedy for outrages with which the local machinery was unable to deal; they were issued as a matter of grace and favour, but appear to have been very easily obtainable, and before the end of Edward I's reign it was found necessary to prohibit their issue before any but justices of the bench or justices errant.¹ At the beginning of Edward III's reign, a statute declared that "evildoers have been emboldened because commissions to deliver the gaols and to hear and determine have been granted to persons procured against the form of the statute made in the time of the King's grandfather," and emphasis was then laid on the fact that such commissions should only be granted in case of very serious offences, and by the King's special grace.² The remedy appears to have been a very popular one, and large numbers of such commissions continued to be issued, but it was open to serious abuses. Essex juries in 1341 accused John Dyn and Thomas Gobioun, local landowners associated with Henry de Grey as justices of Oyer and Terminer in 1336, of being concerned in a conspiracy with the sheriff to obtain false indictments against Robert Burgeher; they attributed various illegal delays and subterfuges to these two men—"qui verba in sessione illa habebant, eo quod dictus Henricus non fuit homo legis."³ The possibilities of the special commission are illustrated in the case of John de Molyns. It was said that in 1327 he had feloniously killed Peter Pogeys, his son, and another at Stoke Poges, and to conceal it he conspired with John Inge, a legal friend, to obtain such a commission, on pretext of which Inge "and others of his covyne" sat at Aylesbury.

¹ Cf. Palgrave, *Orig. Juris. of Council*, pp. 27 et seq.

² *Stat. 2 E. III.*, c. 2. ³ *Ass. Roll.*, No. 258, m. 7.

Molyns was brought before them "tanquam priso ad barram," and was falsely acquitted by insufficient jurors procured by himself and Inge, and not returned by the sheriff. On another occasion, Thomas del Hay—who had led the attacks on Gerard de Braybroke—procured Molyns himself to take a commission of Oyer and Terminer against one Thomas Botiller, at a friend's suit, and after the session "in which Molyns made himself justice," he and his accomplices received £30 and £5 respectively of their friend. Two other similar cases are mentioned, in one of which Molyns procured a jury from among his own tenants and adherents "who dared not withstand his will in anything."¹

A further instance of the need for caution in the issue of such commissions occurred in 1340, when Thomas de Marlbergh, an important Somersetshire knight, obtained one, on the ground that as keeper of the peace and collector of the ninth he had been attacked, while exercising his commission, by Ralph Middelneye and others, who beat and wounded him, stealing £40; shortly afterwards, however, the commission was revoked, because the Council learned that Ralph did not beat or harm Thomas, and also because both men were reported to be making armed assemblies in a warlike manner, and it was feared that disturbance might arise in the neighbourhood. Middelneye was at this time the King's escheator in the county.²

Lawlessness and unrest were little less prevalent among the clergy than among the laity. The condition of the parochial clergy in Suffolk appears to have been especially bad; thus, the parson of the church of Okle was declared to be a common malefactor, and pleaded guilty to three charges of assault and violence.³ In other counties there occur instances of the co-operation of the parish priests

¹ *Ass. Roll*, No. 74, m. 14, 6, 19 d.

² *Cal. Close Rolls*, 1339–41, p. 631, September, 1340.

³ *Ass. Roll*, No. 858, m. 7, 16.

in local affrays. In 1338 numbers of preaching friars were reported to have rejected their habit, and to be wandering at large, frequently in company with bands of ill-doers. More significant is the fact that in the spring of 1343 serious attacks were made upon the Bishop of Chichester's men, who came to his cathedral city with his letters ordering the celebration of processions and prayers for the success of the army; the assailants, numbering over eighty, included four canons and several of the local clergy. Upon another occasion, the bishop himself was prevented by organised attacks from entering the city.¹ A symptom of the growing unsettlement appeared when in the Parliament of 1346, which witnessed a great outburst of indignation against the alien religious, and against the increased number of benefices in the hands of aliens, the King was asked to take care that livings might be filled with "gentz Engleys"; for, continued the petition, in many cases, owing to the neglect of the present holders, the parishioners were uninstructed "et notre Foy decreest de jour en autre."²

The outlook was not hopeful. Not merely rough justice, but extreme brutality and personal cruelty were to be found among all sections of society. It is frequently suggested that the French War and the Black Death were among the indirect causes of much of the disturbance which occurred during this reign, the first tending to encourage violence and the system of maintenance, and the second to loosen social and customary ties. There may also be some truth in another view which presents itself, namely, that both the above-mentioned events must have been the means of relieving the country of a large number of undesirable characters. The Black Death acted at least as a temporary moral check, while it doubtless carried off a large proportion of that section of the population in the neighbourhood of the towns that

¹ Rymer, II., 1029. *Cal. Pat. Rolls*, 1343-45, pp. 69, 70.

² *Rot. Parl.*, II., p. 162

eked out a precarious existence as roberdesmen, wasters and drawlaches. The French War provided an outlet for the energies of many adventurers, and it seems probable that, although some returned to claim a pardon as a reward for foreign service, many must inevitably have met their fate abroad.

APPENDIX I

THE following extracts are taken from a large document,¹ which is assignable, by internal evidence, to the beginning of April, 1339. It is certainly later than February 2, since the second instalment of the triennial grant, which became due on that date, is described as paid. On the other hand, the references to John de Molyns and John Charnels suggest either that they had just set out or that they were about to do so; on April 10 of this year there occurs the reference: "John de Molyns and John Charnels, whom the King lately sent to England from beyond sea . . . are about to return with their answer" (*Cal. Close Rolls*, 1339-41, p. 112, April 10, 1339). The reference in the third paragraph to the departure of "the earl" probably refers to the fact, mentioned elsewhere in this document, that the King had originally intended to send the Earl of Derby, but had changed his plan at the time of departure.

The right edge of the manuscript is slightly torn, but where the reading is obvious the letters have been inserted in square brackets.

PUBLIC RECORD OFFICE.

Parliamentary Proceedings, FILE 7, No. 7, 1339.

Les articles reportez as Chancellor, Tresorer, et autres
du Conseil nostre seigneur le Roy en Engleterre par

¹ Since this study, with the following appendices, was completed in 1913, the writer has learned that this document has also been transcribed by Professor Baldwin, and is printed (with the exception of the paragraph marked (*), on page 240) in the Appendix to his book, *The King's Council during the Middle Ages*.

Maistre Robert de Askeby et Sire Renaud de Donyngton, depar nostre seigneur le Roi des parties de dela, et les responses a mesmes les articles.

Primerement ils deivent dire coment le Roi puis sa primere venue devers les parties de decea, unques riens navoit des issues de son Roiaume en eide ou sustenance de lui ne de ses gentz, de quoi il se merveille grauntment, et touz ceux qi sont entur lui.

Le respons. Nostre seigneur le Roi en est pleinement respondu par monsieur Johan de Molyns et les autres messages, et outre ce pleise al conseil nostre seigneur le Roi aver consideracion a les choses contenues en une cedula cosue a cestes.

Item, Ils poont dire coment il et ceux qi sont entur lui se merveillent plus de ce que de XX saaks que furent grauntez en son parlement avant sa venue, ne ne sont venuz a lui ne as autres as queux assignementz des dites laynes furent faitz, noun pas la moitee au partir du dit conte.

Item, Ils poont dire coment les marcheantz de Barde, Peruch, Maistre Poul, William de la Pole, et Monsieur William Dovenordi dient bien que la liveree des laynes que [lur furent] promis ne lur est pas faite, mais lour assignementz a la foitz repelez, et a la foitz chaungez, ensi qe par celle defaute le Roi est destrui, et eux ne poont tenir lour iours, ne paiementz faire qils avoient promis, en espoir deide des dites leynes, par qoi ils sont en point de perdre creance.

The Council declare that nothing has been recalled or changed except by the King's orders. There follow various technical details relating to the assignments, in reply to similar complaints.

Item, Ils poont dire coment les laines qe sont venues au Roi et as Marchantz et autres as queux ils furent assignez, furent si faibles, de si petite value, et de si petit . . . sarplers des autres leines contrevalaient

trois ou quatre sarplers de celes leines, et tut par fausete des coillours et defaute de surveue diceles, car il est notoirement . . . viles lokes, et autres leynes nient marchandables sont mis dedeing les sarplers merchez par le Roi plus qe bones laines.

Le respons. Pernours, surveiours, resceivours des laynes le Roi par tut Engleterre, eluz et nomez en parlement et le conseil de Northampton par les grauntz et autres du conseil illeoques . . . comissions de prendre surveier et recevoir les dites laines, et en chescune commission fust esprese mencion faite qe nule layne ne fust prise ne resceue al oepe le [Roi qe ne] fust covenable et du meillour du pais, sur peine de gref forfaiture; et le consail le Roi fust chescun iour certifiez de grant grevance faite au poeple par eleccion . . . faite par les ministirs, mais unques nul qi fust assigne de surveier les leines et les haster au port, ne certifia le conseil que defaute y avoit; et fust . . . les comissions de faire mercher chescun sak de la layne le Roi de certaine merche des armes le Roi, et de queu pais et sort la layne fust, sique les . . . aver aperceu pardela en queux la defaute fust, si nule y estoit.

There occur further requests from the King for victuals, wools, etc., and for the reinforcement of the navy, to which the Council reply that Molyns and Sir John Charnels are fully instructed to report on these points.

Item, Ils doivent exciter que les assignementz, et estallementz soient hastiement repelez, et que la dette le Roi des uns et des autres, et leide pur sa fille marier soient hastievment . . . solonc les mandementz le Roi, et que le Tresorer se enfourme hastiement de tut leide que se puet faire, et mette Mons. Robert de Sadyngton son lieu tenant, et viegne devers le Roi hastivement pur sentir entierment sa volunte, et hastivement revenir.

Le respons. Endroit del eide pur la fille le Roi marier, les ditz messages portent au Roi lavis de son conseil pardecea, et le conseil sen soeffre de faire execucion tanque le Roi ad [certifiez] sa volunte. Et quant al repel des assignementz, ordeine est en une coverte manere que nul paiement ne se doit faire des assignementz forsque a les persones [forsprises] tanque nostre seigneur le Roi eit autre foitz sur ce mande sa volunte. *Mais tote foitz il semble au conseil le Roi pardecea que en cas que le repel fust connu, que len ne . . . de qi len purroit faire chevance sur meismes les assignementz, car chescun se douteroit de semblable repel apres, et seroit peu davantage, et de profit a . . . de la disme et quinzisme des lays, les termes de deux anz del triennal sont passez, et les paiementz faitz, queux termes furent a la seint Andreu et a la P[urificacion]; endroit des clerics de la province de Canturburi, les termes des ditz deux anz sont passez, et furent les termes du paiement del primer an del dit clerge a . . . et a la seint Johan, et del secund un a la seint Andreu et a la Chaundeloure par une anticipation grantee par meisme le clerge a seinte Bride, isint que rien [nest] a payer de les deux anz, forsque soulement le paiement dascuns Prelatz de la dite province du terme de la seint Johan prochein avenir, que ne amounte que a poy, queux Prelatz ne chaungent lour termes de paiement, pur cause qils paient laynes ovesque les lays. Et quant al tiertz an de la dite triennial, nul assignement nest fait forsque soulement ascuns persones qi sont forsprises en le dit repel, cest assaver a William de la Pole, et a les marchantz de Bardes et de Peruch. Et quant al quart an de la [disme] grante par le clerge de la dite province en lieu de leines, nul assignement nest fait nule part. Et les dismes et quinzismes des clerics et des lays dela Trente sont assi[gnez] pur la guerre Descoce; par qoi savisent ceux du conseil nostre

seigneur le Roi pardela si le dit repel se doit tenir, eiant regard al petit profit que nostre seigneur le Roi en averoit et [al graunt] damage et hounte que en avendroit; et sur ce pleise a nostre seigneur le Roi comander sa volunte.* Et quant al repel des

fees des ministres, ils ent furent serviz uisques a la seint (Andreu) avant la venue des ditz messages, et dient apertement que si lour fee soit retret, ils se retrerront de lour service, porce qils ne sont pas de poair de le faire . . . propre, a ce qils dient. Endroit des estallementz, pleise a nostre seigneur le Roi et a son conseil savoir, que il nest de nulle dette si bien paie come de ses dettes atterminez. [Et en] cas que len face execucion pur lentier, les viscontes ne responderont mye de la moite de la some attermine, sicome ceux du conseil nostre seigneur le Roi pardela le scie[nt]. Estre ce, au conseil de Northampton, par plusurs grauntz feust respondu, quant le repel destallementz lur feust monstre, que du temps dont memoire ne court, estallementz furent grauntez et suffertz as grauntz et autres pur sauvete de lur contenance, et ce feust lusage du roialme, queux choses sanz assent des grauntz, et ce en parlement, ne p[oot] ne ne devoient estre chaungees, a ce qils disoient, par quoi ils ne voudreient al dit repel assentir, ne le suffrir, tantcome en eux feust. Et auxint les graundes [dettes] touchent les grauntz de la terre, contre queux les viscontes nosen faire execucion.

APPENDIX II

THE manuscript from which these extracts are taken consists of fifteen numbered replies to articles of inquiry by the King. This, like the former, is dateable only by internal evidence, but is certainly not earlier than May 6, 1339, since it contains the statement with regard to wages and assignments: "Le repel est fait"; the definite recall of these was dated at Antwerp, on May 6, 1339 (Rymer, 1080).

It also contains expressions of regret that the Treasurer should be required to go abroad, but the ministers add "mes le Tresourer se hastera devers lui a plus toust qil poet." This is then crossed through, and there follows the statement, "que lettre est venue de sa excusacion de son venir as parties de dela, dount tout le conseil par decea en ad grant ioie. . . ." This was evidently written after June 25, 1339, for it was on that date that the King had commissioned Robert de Sadington as deputy Treasurer, during the Treasurer's absence, the latter having been summoned to attend the King (*Cal. Pat. Rolls*, 1338-40, p. 387, June 25, 1339, Vilvorde).

Parliamentary Proceedings, FILE 7, No. 10.

1. A cest article est respondu que le conseil fust certifie par les lettres nostre seigneur le Roi que les Galeyes de France furent sur mier, par qei fust comande par mesmes les lettres que les biens nostre seigneur le Roi ne feussent amenez devers lui saunz bon et suffisaunt conduyt, et par celle enchesoun, et pur ce que le vent fust contrariant, un graunt temps fust la venue des biens nostre seigneur le Roi tant targee, encountre la volunte de ceaux du conseil.

2. A ceste article est respondu que au conseil de Northampton furent les lettres nostre seigneur le Roi a Monsieur le Duc et as autres Grauntz de la terre signifiez . . . nostre seigneur le Roi entendist davoir este servi a son venir de dela de une grant somme des leynes a lui promises au parlement a Westminstre, neporquant il ne fust servi forsque de deux mille D sacs a son venir illoges, par queu il pria a les grauntz qui furent assemblez au dit Conseil qils parlassent en tiele manere oue la commune de sa terre qil feust servi de la remenant des XX mille sacs lesquels furent promis a luy au dit parlement . . . la quelle chose proposee au dit conseil a les grantz et a la commune il plust bien a eux que le nombre feust perfourme, et que la leyne feust quillee solonc le tax de la XV^{me} de tute manere de gentz auxy bien de ceux qui paireunt la disme, sicome clerks, gentz des citees et des burghs, et de launciene demene comme des autres qui paierunt la XV^{me} . . . en tiele manere que ceux que avoient paieiz le moitie de lour leines apres le dit parlement feussent quites de atant en la somme assise sur eaux . . . ; et que les clerks alassent en contribution ensemble oue les lays . . . [They explain that although the clerks of the Exchequer estimated that this plan would yield some 18,971 sacks, this was too high an estimate :] de quelle somme rebatue la porcion des clerks, qui ne voleient assentir, et de ceux qui avoient paieiz la moite de lour leine, item les . . . des aunciens demeisnes qi paient solonc la X^{me}, et furent accompteiz sicome ceux qui paient la XV^{me} . . . la somme amonte a grant nombre des sacs meyns que la avantdite somme sicome autre foitz vous avoms pleinement certifiez par voie de eisme, et ne mie par voie dacompte, de la quelle nous ne pooms estre chargez, car nous navoms rien resceu. Et de ceo que ascuns ont dit que nostre acompte ne fust mie veritable de deux mill D sacs de queux nostre seigneur le Roi devoit avoir este servi a sa venue as parties de dela, sauve la reverence de eux, ce ne fust mie dit par voie dacompte

mes par ce que nostre seigneur le Roi avoit en tiele manere certifie Monsieur le Gardein et les autres grauntz de sa terre par ses dites lettres, et se avisent ceux que les unt rescu es parties de dela de rendre bon acompte, car len quide qils seront chargez de une plus grande somme que de deux mille, D sacs de la moite des leines quillees avant le aler nostre seigneur le Roi. Et se esmerveillent moltz des gentz que ceux qui resceurent les leines es parties de dela ne se voillent charger forsque de $\frac{v}{vi}$ sacs de toutes les leines que vindrent on la compaignie nostre seigneur le Roi, depuis qils virent tant des neifs chargees a son aler que len quideit bien par eysme de y avoir trouee trois mille sacs a meyns. Et sums certifie que Johan de Barton et Wauter le Taverner, custumers du port de Kingston sur Hull livererent de la moite des leines resceuez de la counte d Everwyk $\frac{c}{iv}$, III saks, a William le Armurer et Richard de Brayouse. Item Johan de Causton et Thomas de Swanland . . . de Loundres livererent de la moite des leynes a Simon Targes et Johan de Preston M VIII saks. Item de ce que nostre seigneur le Roi fust servi de si petite somme, il desplet molt au conseil de decea, mes ce est la defaute des quillours, resceviours, et dascuns custumeres, les queux le Tresorer ne les barons ne poient unques chacer de venir a lacompte, ne le Chaunceller, pur briefs que len poait faire, car ascuns . . . grant mandementz lour venent pur acomp-tier, ils passent outre mer et demoerent souz couverture dascuns qui sont dela, et ne vollent venir a acompte rendre.

4. Quant a ceste article, est responduz que les marchauntz endroit de lour assignementz unt eu aussibones execussions sicome eux mesmes vouldreient deviser, et ne quident mye ceux du conseil qils peussent endroit des execussions mettre ascune defaute sur eux, mes la defaute est en les ministres desusditz, et ne mye en ceux del conseil, car len ne poet penser nul avantage que lur

escherreit de le targer, mes taunt soulement hunte, deshonor, et grant anguisse de coer.

7. Quant a ceste article, est respondu que ceux du conseil meteront lour peyne de faire le bien qils poont, et quident que si nostre seigneur le Roi mandast ascun grant Evesque ou autre, et que il mesmes fuist chevachaunt sur lespleit de ses busoignes qils se prendroient molt pres de lui faire ascune aide covenable, et sur ce le Chaunceler et le Tresourer sount avisez affaire assembler un parlement ~~ou~~ un conseil des grauntz et ceux de la commune si les countes qui sount atutlez au prive conseil, se voelent assentir, et sur ce lur unt envoiez lur lettres. w

15. Quant a cest article, est responduz que il serroit bon pur lavantage nostre seigneur le Roy que les respons queles autrefoitz furent envoiees as parties de dela endroit del aide de la fille marier fuissent regardees et chargees par le conseil avant ce que execucion de tiel eide se feist, car autrement nostre seigneur le Roy perdera trop grandement. Et fuist une reson a ce qil sovient ore que regardees les Roules de la Chauncellerie, len ne treue nul eide pur la fille marier demaunde puis le temps le ael nostre seigneur le Roi; et son temps lan . . . fuist grauntez en plein parlement par toutz les grauntz et autres de sa terre que nostre seigneur le ael eist cel eide de toutz les fiz Dengleterre, auxi bien des fiz que furent tenuz des autres come des fiz tenuz de ly mesmes, del quel eide nostre seigneur faudereit sil comensast ore a le demander des fiz que sunt tenuz de luy; et esperoms que mesmes leide luy serra graunt en temps que len ne demaunde nul autre eide a son parlement, et amountera a graunt somme. Item en cas que cel eide venist ore en demaunde, ce poait legèrement estre le destourber dun autre eide si nostre seigneur le Roy vouldreit nul plus grant eide demaunder.

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